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University of Chicago

# THE LAW SCHOOL

R E C O R D

*Our Timeless Mission*

FALL 2000

Setting the  
Curve

Chicago  
International

The Practice



Fall 2000  
The University of Chicago Law School

**Daniel R. Fischel**

Dean and Lee and Brena Freeman  
Professor of Law and Business

**Editorial Director**

Sylvia M. Neil

**Design Director**

Debra L. Sawyer

**Senior Writer**

Gerald de Jaager

**Staff Writer**

Kyle Holtan

**Editors**

Kyle Holtan  
Gerald de Jaager  
Debra L. Sawyer

**Contributing Writers and Editors**

Richard Badger, '68; Ellen Cosgrove, '91; David Currie; Marsha Ferziger, '95; Deborah Franczek, '72; Danielle Kemp, '00; Douglas Kramer, '00; Jay Kugler, '00; James Madigan, '00; Patricia Lee; Daniel Lin, '01; Dan Liljenquist, '01; Averardo Pascarella, '01; Rachel A. Rosenberg; Randall D. Schmidt; William Schwesig; Diane W. Stephens; Cara Tseng, '00; Judith Wright.

**Class Correspondents**

35 Affable Alumni

**Design and Production**

The North Charles Street Design Organization

**Chief Photographer**

Michelle Litvin

**Supporting Photographers**

Cheri Eisenberg  
Tom Haley

**Publisher**

The University of Chicago Law School  
Office of External Affairs  
1111 East 60th Street  
Chicago, Illinois 60637

Telephone: 773-834-3379

Facsimile: 773-702-0356

E-mail: [record@law.uchicago.edu](mailto:record@law.uchicago.edu)

Web site: [www.law.uchicago.edu](http://www.law.uchicago.edu)

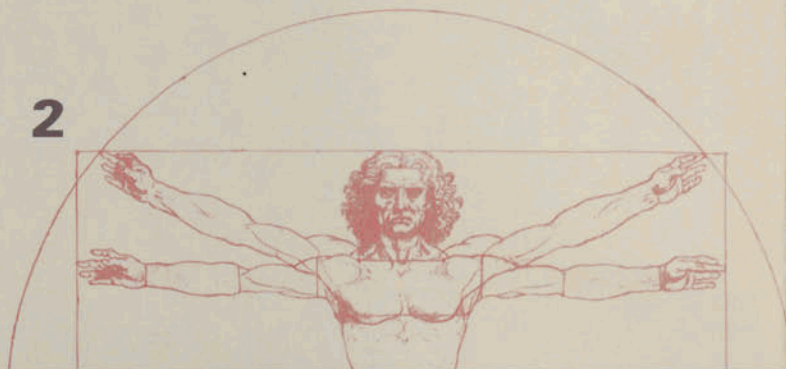
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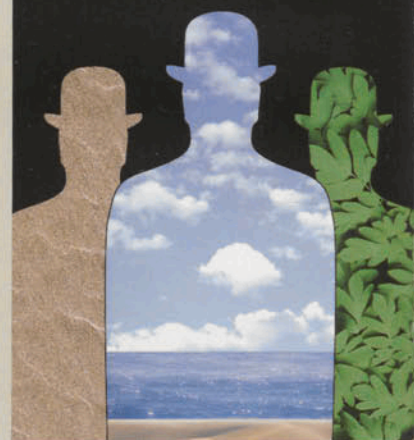
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## Our Timeless Mission

*The founders of the Law School envisioned an institution that reached back to the wisdom of the past even as it looked forward to the challenges of the future. The law and its practice are "the crystallization of ages of human progress," wrote University of Chicago President William Rainey Harper in laying out his aims for the new law school. "They cannot be understood in their entirety without a clear comprehension of the historic forces of which they are the product, and of the social environment with which they are in living contact."*

*This issue of The Record describes some of the ways in which your Law School is sustaining its leadership of legal education, some of the recognition it has received for doing so, and some of the steps it is taking to insure that it remains always in the forefront.*

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*"My Law School education was the most exciting intellectual experience of my life, and after graduation the Law School created opportunities for me beyond what I ever imagined I could have."*



William Rainey Harper



Ernst Freund

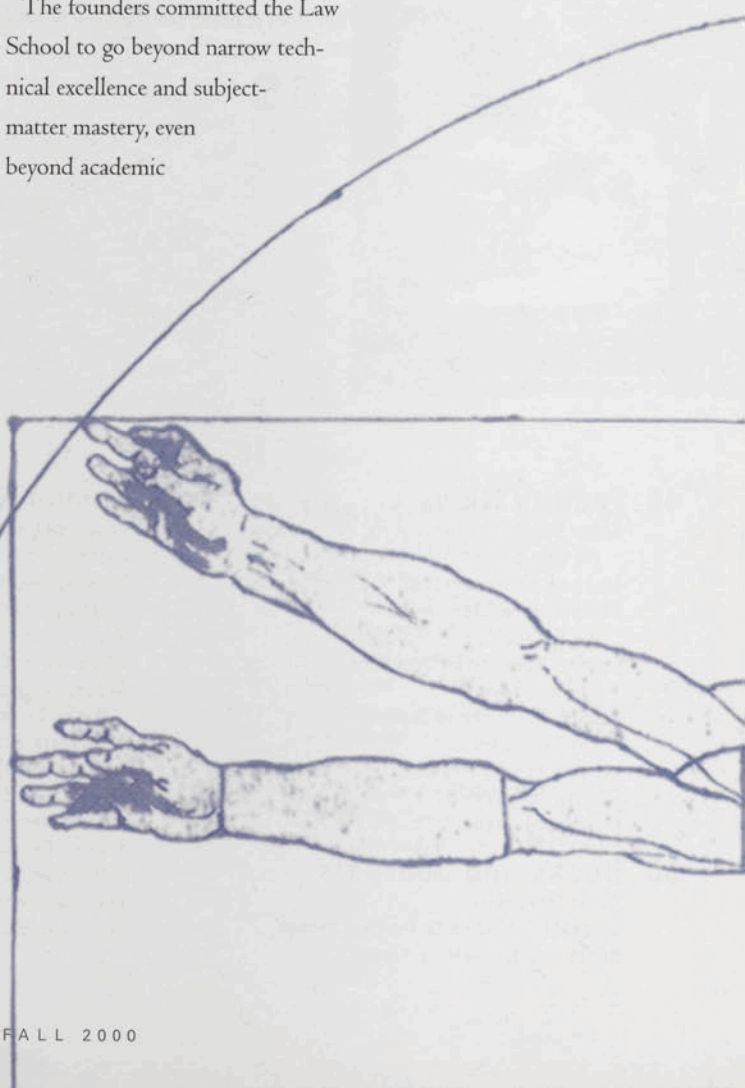
These words were spoken by Law School Dean Daniel Fischel, '77, but they might have been said by countless others whose lives have been enriched, even transformed, by attendance at the Law School.

The core values underpinning the Law School's exceptional qualities were set in place by its far-sighted founders a century ago. Those visionaries—including U of C President William Rainey Harper

and Professor Ernst Freund (whom Felix Frankfurter called "the father of the Law School")—committed themselves to building an institution that would be, in Harper's words, "far more than a training institute for admission to the bar"; one that would emphasize "the study of law in its larger historical relations."

The law and its practice, Harper said, "are the crystallization of ages of human progress. They cannot be understood in their entirety without a clear comprehension of the historic forces of which they are the product, and of the social environment with which they are in living contact. A scientific study of law involves the related sciences of history, economics, philosophy—the whole field of man as a social being."

The founders committed the Law School to go beyond narrow technical excellence and subject-matter mastery, even beyond academic



excellence and broad inquiry. They expected that it would instill the qualities that distinguish the great practitioners of any profession from their counterparts: innovative thought, analytical rigor, refined judgment, and the capacity to communicate all that to any and all relevant audiences.

A tall order. And yet, by any measure, the Law School has achieved the founders' audacious goals. Alumni have shaped not only the bar and the bench, but also the corporate and entrepreneurial sectors. They have guided public policy and altered the human rights landscape in the United States and around the world. They have transformed the very foundations of legal scholarship. Whether famous or little-known, alumni have established, and then raised, the standards of excellence in any profession they have chosen.

It all starts with two interacting elements: the faculty and the students. Objective measures demonstrate what subjective impressions would suggest—today's Law School faculty is the best in the country. For example, an exhaustive analysis published earlier this year confirmed a separate 1998 study that judged the Law School's faculty as the country's foremost legal educators in terms of scholarly impact. The results were as follows:

#### The Top Law Schools in Terms of Scholarly Impact

Rank in 2000 Study <sup>1</sup>	Rank in 1998 Study <sup>2</sup>
1. University of Chicago	1. University of Chicago
2. Yale	2. Yale
3. Harvard	3. Stanford
4. Stanford	4. Harvard
5. NYU	5. University of Michigan

That assessment of scholarly impact was just one dimension of a thorough evaluation conducted by University of Texas Law Professor Bruce Leiter in the compilation of his annual "Educational Quality Rankings." Those rankings consider faculty quality and student quality to create an overall judgment of law schools' excellence.

Leiter's conclusion: the University of Chicago is the best law school in the country.

The Law School also finished first in a national survey of law students conducted by the *Princeton Review*, which ranked Chicago's teaching as the best among all the nation's leading law schools. *U.S. News & World Report* concurs: in the key academic reputation component of its overall evaluation, Chicago ranked among the nation's top law schools. And *American Lawyer* magazine recently ranked Chicago students the most in demand by the nation's leading law firms.

## Setting the Curve







Kenneth Dam

*In his own career, in his influence on his students, and in his acknowledgment of those who inspired him, Professor Kenneth W. Dam, '57, reminds us that those who set the curve today are also setting the example for those who will do so in the future.*

*Extra words only interfere with a full appreciation of Professor Dam's extraordinary career. The following is a partial list of his achievements.*

- Currently serves as Max Pam Professor of American and Foreign Law at the Law School
- Served as deputy secretary of state
- Served as president and CEO of the United Way of America
- Served as vice president for law and external relations at IBM
- Served as executive director of the Council on Economic Policy
- Served as assistant director of the Office of Management and Budget
- Clerked for Supreme Court Justice Charles E. Whittaker
- Was elected to Order of the Coif and as managing editor of the Law Review
- Served as provost of the University of Chicago
- Taught at the University of Freiburg, Germany
- Serves as systems arbitrator for issues arising under the

*National Basketball Association's collective bargaining agreement*

• *Has written five books, including Economic Policy Beyond the Headlines with George Shultz and The GATT: Law and International Economic Organization; another is in progress*

• *Chairs the advisory board of Foreign Affairs magazine*

• *Cochairs the Aspen Strategy Group and chairs the German American Academic Counsel*

*As many influential people do, Dam acknowledges that he stands on the shoulders of others who have served him as mentors and examples. Specifically with regard to the Law School, he says, "Phil Kurland taught me the value of writing clearly and well; Aaron Director taught me to develop an economic perspective; Ronald Coase taught me that government rules and actions are part of the economy, thereby leading me to become interested in economic policy; and Soia Mentschikoff showed me the importance of knowing what was happening in law practice and in business for developing a proper understanding the law and legal reform."*

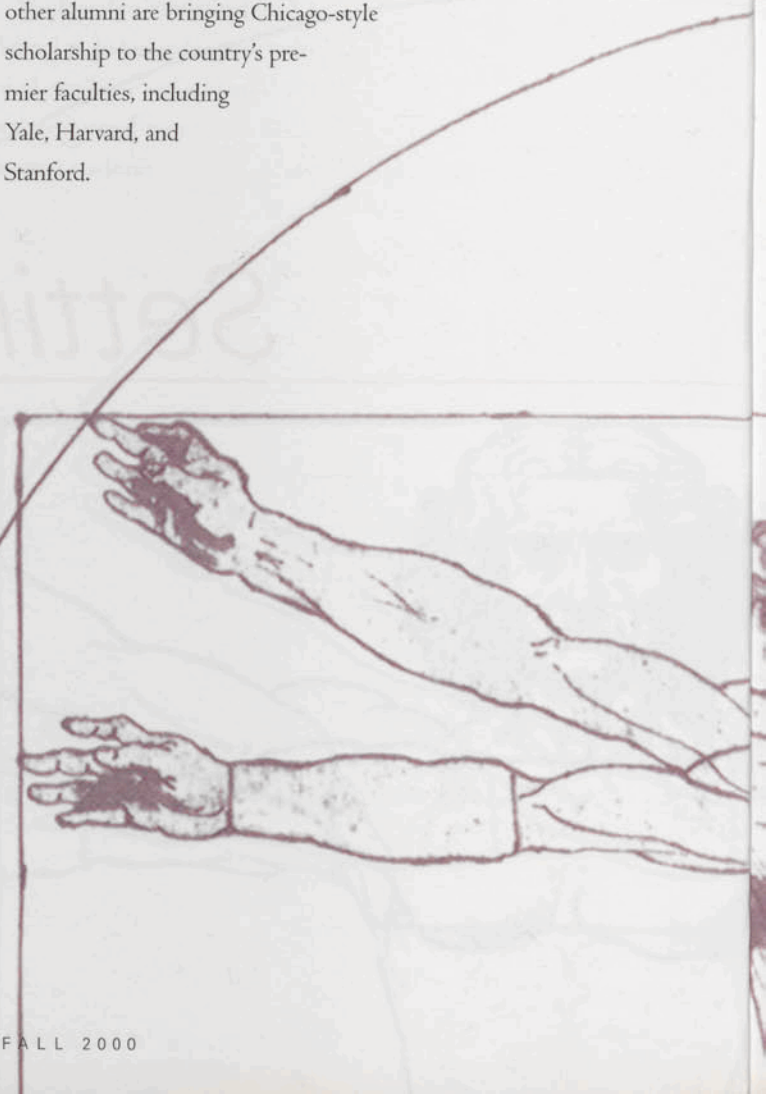
*He offers special thanks to Edward Levi: "Edward Levi, the teacher, interested me in what became known as Law and Economics. Edward Levi, the Dean, convinced me to become an academic. Edward Levi, the man and the friend, provided a model for becoming, as I tried to become, an academic who put his knowledge and energy into public issues and public service."*

Law School faculty are not just great scholars and fabulous teachers—they have consistently led the intellectual development of the law, pioneering in such fields as law and economics, feminist legal studies, and clinical legal education. A study published earlier this year, listing the most-cited legal scholars of all time, shows the extent of Chicago's influence. Scholars with ties to the Law School occupied 10 of the top 21 places on the overall most-cited list and 23 of the top 50 places. The list is topped by Richard A. Posner, whose 7,981 citations dwarf the 4,488 of the second-place finisher, Ronald Dworkin (see page 8).

Moreover, the top two most-cited "younger" scholars (aged 50 or under) and three of the top five are current faculty members: Cass R. Sunstein, Frank H. Easterbrook, and Daniel R. Fischel, respectively.

The single-most cited law review article of all time—"The Problem of Social Cost"—was written by Ronald H. Coase, who has been a member of the Law School faculty since 1964. Faculty members took four spots in the *American Lawyer* magazine "lawyers of the century" honor roll.

It stands to reason that a great faculty will bring forth great teachers, and such is indeed the case. Five graduates of the Law School currently hold professorships here: Kenneth W. Dam, '57 (profiled at left); Daniel R. Fischel, '77; Tracey L. Meares, '91; Bernard D. Meltzer, '37; and Randal C. Picker, '85. Many other alumni are bringing Chicago-style scholarship to the country's premier faculties, including Yale, Harvard, and Stanford.





Dean Fischel has made the Law School's role as a teacher of teachers a very high priority. He has entrusted major leadership responsibility in that effort to Professor Lisa E. Bernstein, appointing her to chair a newly formed Committee on Academic Law. Her charge, which she pursues with enthusiasm and compassion, is to help students and alumni decide whether an academic career is right for them and then to assist them in navigating the academic hiring process. At least nine recipients of Bernstein's assistance will enter legal academia this year in tenure-track positions at major law schools.

Bernstein plans to offer a course that will illuminate the complex art of empirical research, which she will teach with Gerald Rosenberg, associate professor, department of political science and lecturer in law. "The ability to apply sophisticated research methods will give students who take this course a real advantage in finding top-quality academic positions," Bernstein explains. She expects that the Law School will offer at least one course each year focused on skills that will give Chicago students a leg up in the academic job market. (Alumni who are interested in considering a teaching career should contact Professor Bernstein; see page 8 for more information.)

Other curriculum innovations abound. Discussing this year's curriculum, Professor Elizabeth Garrett, deputy dean for academic affairs, says, "Our commitment to interdisciplinary studies is apparent through the offerings here in the Law School and the courses in other departments that we have cross-listed. Our alumni have greatly assisted us in this effort." (See page 6.)

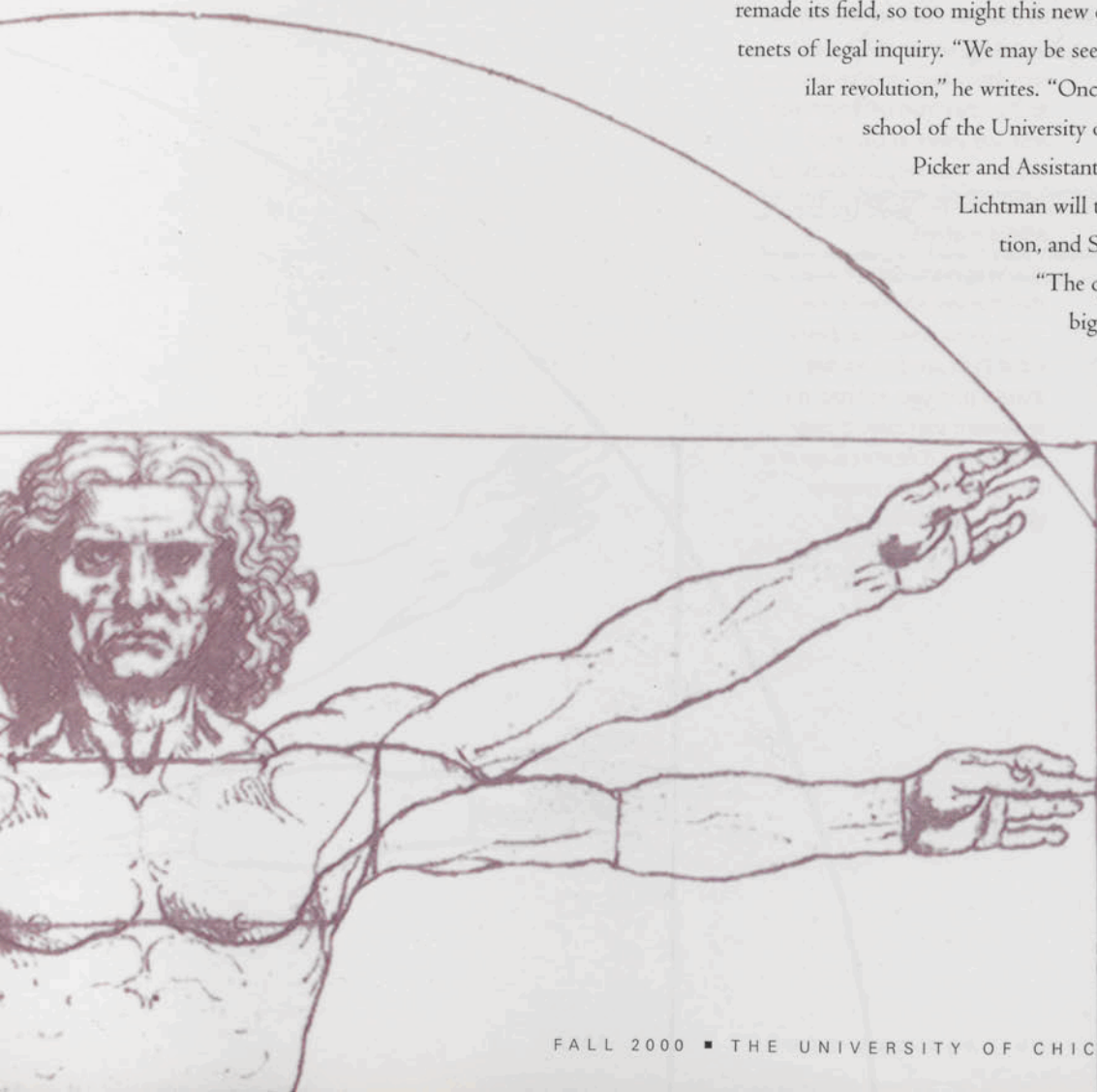
Among the many new classes Garrett describes as "at the intersection of law and humanities and social sciences" are "Technology, Innovation, and Society," which is the first new addition to the required first-year curriculum in 25 years, and "Decision-Making: Principles and Foundations," which promises to include "thinkers from Thucydides and Aristotle to Bentham and Kant" in a study of the personal and professional challenges graduates can expect to face. Both courses exemplify the Law School's continuing commitment to endowing students with far more than narrow expertise.

Stanford law professor Lawrence Lessig locates "Technology, Innovation, and Society" squarely within the great tradition of the Law School, saying that just as the law and economics movement remade its field, so too might this new course redefine central tenets of legal inquiry. "We may be seeing the beginning of a similar revolution," he writes. "Once more, its home is the law school of the University of Chicago." (See page 9.)

Picker and Assistant Professor Douglas G.

Lichtman will teach "Technology, Innovation, and Society." Picker observes,

"The questions we tackle will be big ones, figuring out how to protect embedded rights and balance established







Allen Turner

Elmer Johnson

*When Allen M. Turner, '61, was asked to advise the Law School regarding ways to continue achieving its guiding values, he formulated the central question as follows: "What is the set of tools, information, and approaches that law students need to enable them to make better judgments, to exercise practical wisdom in their personal and professional affairs?"*

*Turner himself has demonstrated the ability to make excellent judgments in a wide range of areas. He is currently a partner at Pritzker & Pritzker, where he has worked since 1965. He is also secretary and past chairman of Hyatt International Corporation. He served as a member of the Law School Visiting Committee and is—among other things—chairman of Chicago's Museum of Contemporary Art, a member of the Art Institute's Committee on Twentieth Century Art, a director of the Metropolitan Chicago Jewish Welfare Fund, and a member of the Psychiatry Advisory Board at Northwestern Memorial Hospital. He was awarded the insignias of Chevalier de l'Ordre et des Arts et des Letres by the French government in 1990.*

*He says he was pleased to accept the advisory responsibility because he senses that, in these times of increasing specialization, there are few institutions as qualified as the Law School to convey the*

*breadth of perspective that effective citizenship requires. "Of course the Law School will continue to turn out magnificently prepared lawyers," Turner says, "but it must also do its best to help them make great decisions in whatever line of work they enter, as well as in civic life." He adds, "If Chicago can't do this, no one can."*

*Joining Turner in the advisory role, and sharing his commitment to the practical value of multidisciplinary learning, is Elmer Johnson, '57. Johnson's distinguished career has led him to his current position as president of the Aspen Institute through accomplishments that begin with a partnership at Kirkland & Ellis in 1962 and include corporate assignments as general counsel at International Harvester during its reorganization, special counsel to the chairman of Ameritech, and five years at General Motors with responsibility for legal, operating, and public affairs matters.*

*Johnson says, "Burke said that the law sharpens the mind by narrowing it; that's what the Law School has always guarded against. It's important that specialized knowledge doesn't cause one to lose sight of a broader vision, a moral vision."*

and emerging interests in an equitable, enforceable way." Lichtman, one of the Law School's talented young faculty members, adds, "This is the future of legal practice."

That future legal practice will take place within an unprecedented global free-for-all that finds competitors scrambling to seize and maintain competitive advantage. Elmer Johnson says that lawyers in today's environment must ask themselves an "unsettling" question: "whether they have permitted their role to be defined by the culture or the competition in such a way that the excellent performance of that role is harmful to some larger public as well as to their own souls."

That's one way in which the decision-making course will make a difference. Professor Martha C. Nussbaum, who will co-teach the course with Professor Douglas G. Baird, is a universally recognized leader in current thought about ethics and right action. She is president of the American Philosophical Association. "Lawyers are shapers of policy, and in an era of increasing globalization their decisions have worldwide impact. They therefore need to think well about decisions that will affect countless lives," she says. Baird, whose exceptional accomplishments include service as Law School dean and directorship of the Law and Economics





Program, describes the course as “intensely practical,” saying that its participants will acquire “real-world tools for making, or helping others to make, the kinds of big decisions that they’ll be involved in as their careers unfold.”

Nussbaum, who taught at Harvard and Brown before coming to Chicago, says the Law School’s unique culture fosters exceptional learning opportunities: “In my classes, law students sit side by side with people from all over the University and from all around the world, and the perspectives of the other students are terrifically illuminating. Law students who choose Chicago know they’re going to get that kind of education, and so they’re willing to take intellectual risks, to view learning as an adventure, not merely as pre-professional training.”

Picker says much the same thing, from a different perspective. Noting that he chose the University of Chicago for all three of his degrees, he says, “I love this place. There’s nowhere else like it, and that’s why we can do the kind of pioneering work that keeps the Law School ahead of the game.”



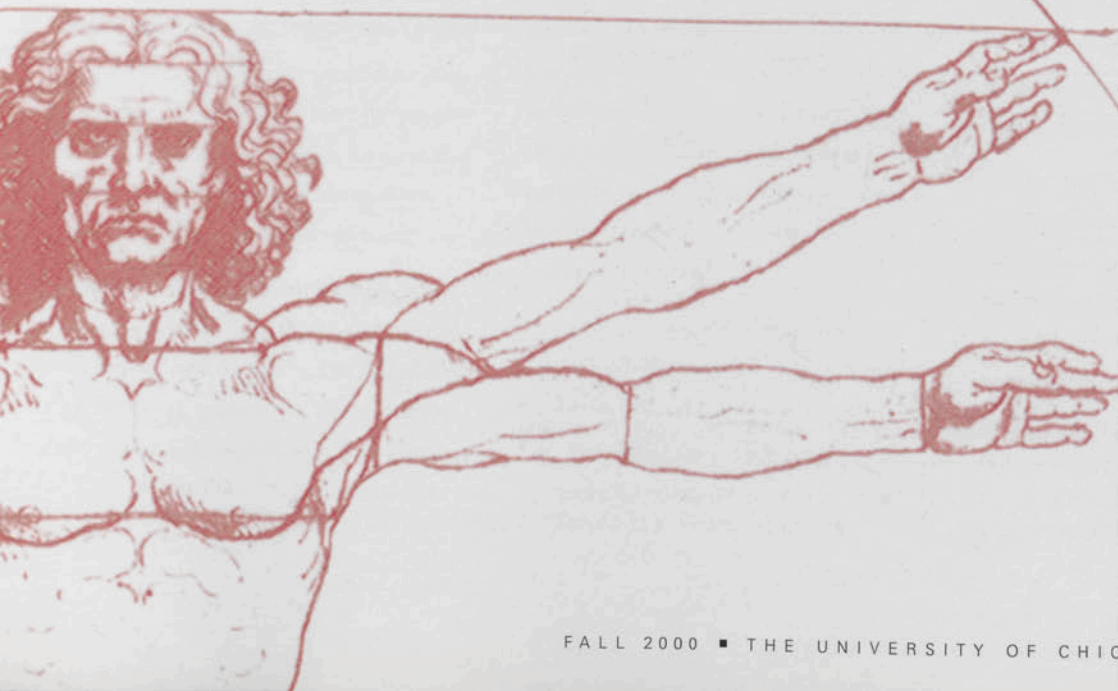
In 1886, Oliver Wendell Holmes, Jr. warned a gathering of Harvard undergraduates about the downside of the practice of law, asking, “How can the laborious study of a dry and technical system, the greedy watch for clients and practice of shopkeeper’s arts, the mannerless conflicts over often sordid interests, make out a life?”

But Holmes also knew better than most how much the law matters and how ennobling its practice can be. Later in the same address, he turned his thoughts to the “joy” of the person “who knows that a hundred years after he is dead and forgotten, men who have never heard of him will be moving to the measure of his thought.”

As the men and women of the Law School make out their own lives, and as they shape the world around them and its future, they may increasingly join in honoring Harper, Freund, and the others whose genius animates the Law School today, perhaps even more than they might have imagined just about a hundred years ago.

1. Brian Leiter, “Measuring the Academic Distinction of Law Faculties,” 29 *Journal of Legal Studies* 478 (2000).

2. Theodore Eisenberg and Martin T. Wells, “Ranking and Explaining the Scholarly Impact of Law Schools,” 27 *Journal of Legal Studies* 373, 376–85 (1998).





## THE 50 MOST-CITED LEGAL SCHOLARS

*Note: Scholars with ties to the Law School are highlighted in bold.*

<b>Richard A. Posner</b> (faculty, 1969–present) .....	7,981
Ronald Dworkin .....	4,488
Oliver Wendell Holmes, Jr. ....	3,665
John Hart Ely .....	3,032
<b>Roscoe Pound</b> (faculty, 1908–1915) .....	3,018
Herbert Weschler .....	3,011
<b>Lon L. Fuller</b> (visiting faculty, 1930, 1933) .....	2,957
Alexander M. Bickel .....	2,935
Archibald Cox .....	2,915
Guido Calabresi .....	2,887
<b>Harry Kalven, Jr.</b> (faculty, 1946–74) .....	2,872
<b>Richard A. Epstein</b> (faculty, 1972–present) .....	2,819
<b>Lawrence Friedman</b> (Class of '51, visiting faculty, 1992) .....	2,723
Henry M. Hart, Jr. ....	2,713
<b>Cass R. Sunstein</b> (faculty, 1981–present) .....	2,701
<b>Robert H. Bork</b> (Class of '53, lecturer/scholar, 1983) .....	2,586
Bruce A. Ackerman .....	2,547
<b>Karl N. Llewellyn</b> (faculty, 1951–62) .....	2,539
Louis L. Jaffe .....	2,452
Gerald Gunther .....	2,440
<b>Frank Easterbrook</b> (Class of '73; faculty, 1979–present) .....	2,432
Frank I. Michelman .....	2,373
Felix Frankfurter .....	2,338
Louis Henkin .....	2,191
Duncan Kennedy .....	2,166

<b>Grant Gilmore</b> (faculty, 1965–1973) .....	2,145
Henry J. Friendly .....	2,123
Charles A. Reich .....	1,991
<b>Mark V. Tushnet</b> (visiting faculty, 1994) .....	1,989
<b>Owen M. Fiss</b> (faculty, 1968–74) .....	1,971
<b>William M. Landes</b> (faculty, 1974–present) .....	1,969
<b>Catharine A. MacKinnon</b> (visiting faculty, 1998–present) .....	1,958
Thomas I. Emerson .....	1,949
<b>Marc Galanter</b> (Class of '56) .....	1,798
Charles L. Black, Jr. ....	1,785
Joseph Goldstein .....	1,762
<b>Myres S. McDougal</b> (visiting faculty, 1935) .....	1,738
<b>William W. Van Alstyne</b> (visiting faculty, 1984) .....	1,738
<b>Steven Shavell</b> (visiting faculty, 1984–85) .....	1,691
Edward S. Corwin .....	1,659
<b>Philip B. Kurland</b> (faculty, 1953–96) .....	1,629
Albert A. Ehrenzweig .....	1,628
Erwin N. Griswold .....	1,592
<b>Richard B. Stewart</b> (visiting faculty, 1986–87) .....	1,572
<b>Geoffrey C. Hazard, Jr.</b> (faculty, 1964–71) .....	1,538
<b>Daniel A. Farber</b> (visiting faculty, 1999) .....	1,536
Kenneth L. Karst .....	1,531
J. Willard Hurst .....	1,525
Charles Fried .....	1,524
Paul Brest .....	1,514

Source: Fred R. Shapiro, "The Most-Cited Legal Scholars," 29 Journal of Legal Studies 424 (January 2000).

**Are you interested in an academic career?** Professor Lisa Bernstein would like to hear from you. The Law School is available to provide assistance—"anything and everything, to any alum who is interested," Professor Bernstein says. She and the rest of the faculty will help with whatever a potential candidate needs, from advice on whether to pursue such a career to assistance with interviewing. If you'd like to learn more, e-mail Professor Lisa Bernstein at [Lbernst621@aol.com](mailto:Lbernst621@aol.com), or call her at (773) 834-2881.



# In Search of Skeptics

By Lawrence Lessig

**In this article, reprinted with permission from *The Standard*, Stanford law professor Lawrence Lessig lauds the Law School's historic "discipline of skepticism," which he says is evident in the creation of the new required first-year course, "Technology, Innovation, and Society."**

There's a famous movement in the legal world called "law and economics." Originally a conservative cause (famously associated with Judge Richard Posner of the Seventh Circuit Court of Appeals) but quickly attracting advocates of all stripes (including the decidedly unconservative Judge Guido Calabresi of the Second Circuit), the movement presses law to justify itself in terms of its consequences. What good does a particular regulation do? Does it achieve what it promises? Is there anything more to its authority than its pompous invocation of time immemorial?

Law and economics was born at the University of Chicago Law School. In the early 1950s, Dean Edward Levi (later President Ford's attorney general) invited Chicago economist Aaron Director to sit in on his antitrust class. The story goes that for four days a week, Levi would teach antitrust law. On the fifth day, Director would show why everything Levi had said—from the perspective of economics—was bunk. By the end of the course, the legend goes, the dean was convinced, and a movement was born.

The movement remade antitrust law. A student of the time, Robert Bork, later carried its message into the courts. The first edition of Bork's important book, *The Antitrust Paradox*—long delayed because of Bork's own

service in the government—decried the failure of U.S. antitrust law to understand the most basic facts about economics.

Bork's warnings struck a cord: His second edition had to confess, somewhat sheepishly, that the Supreme Court's view had changed markedly over time. The high court had reversed many of the doctrines Bork and others had attacked; it had embraced the core tenets of "the Chicago School." And while battles in antitrust law continue to this day, and though "the Chicago School" has yet to reign supreme, there is no doubt that the field has been remade by the requirement that the law confront and justify itself in terms of the consequences.

We may be seeing the beginning of a similar revolution. Once more, its home is the law school of the University of Chicago.

Beginning this fall, the school's first-year law students will be required to take a course called "Technology, Innovation and Society." The course will examine how legal and extralegal systems affect the development of new businesses and rapidly evolving technology. It will give incoming students an introduction to intellectual property and antitrust law. And it will force them to consider how the law impacts innovation. Its aim, like the course Levi and Director taught, is to be critical of the law. The question it will ask is how the law affects innovation—and how bad law can stifle it.

It may surprise you that this is something new in legal education. There are not many businesses where divisions don't regularly have to justify themselves. In law, this isn't

the case. Every once in a while, reform movements are born, but these are rare. The norm is that divisions in the legal bureaucracy, once born, survive. Worse, they specialize so that only the practitioners know enough to know about the division, and outsiders are afraid to even peer in.

This was the fate of intellectual property law for most of the last few hundred years. Copyright law was a fairly contained practice. Until the birth of Xerox machines, it was a law that regulated primarily publishers. The law affected companies with printing presses, not ordinary people. The same isolation was true with patent law—an even more specialized and more arcane field. Patent law at least had the virtue of remaining relatively stable over the past 200 years. (While the term for copyright law has increased from an initial term of 14 years to a current term that can last more than 140 years, the patent term has remained fairly close to the initial grant of 14 years.) But patent law too has remained incestuous. Its current commissioner sees his job as serving the patent office's "customers." Who are they, you might ask? Well, patent holders, of course—though the burden of bad patents is felt by the economy as a whole, not just patent office "customers."

The Internet has flushed these two law divisions into the open. Now that everyone on the Net is a "publisher," copyright lobbyists have pushed Congress to radically increase the regulation of copyright on the Net. But now the control is exercised over ordinary people. Put up a Simpsons site for your fan club, get a letter from the copyright and



trademark police. Store an MP3 file of a favorite song from your CD collection on your college Web server, get a letter threatening expulsion unless you remove it fast.

Ditto with patent law. The recent explosion of concern about the effect of patents in cyberspace is a reaction to legal imperialism. Software coders had not lived in a world where their right to write software was regulated by bureaucrats in Washington. The founders of the Internet had not experienced life where every innovation had to be passed by the lawyers' committee. An unregulated—and extraordinarily creative and innovative—space has begun to balk at the idea that business here will be lawyers' business as usual.

In many of these columns, I have written about this conflict. I've been skeptical about what my profession will do to cyberspace. I've been anxious about its ability to be self-critical about its role. We in law are not very good at stepping outside of our mandarin practice. We don't have the tools and ordinarily don't have the attitude. We get comfortable in our approach and greedy at the idea of a burgeoning market of new legal billables.

Thus the need for more from the University of Chicago. For the great virtue of Chicago is not the triumph of economics over law, or the end of law in the face of economics. The virtue is a discipline of skepticism about the pronouncements of self-aggrandizing lawyers, who have no method for understanding whether their practice does any good. It is a demand that the law justify itself, not in self-defined terms, but in terms external to the law. Does it promote innovation? Does it preserve creativity? Does it enable change?

The law needs this skepticism now, especially regarding regulation of the Internet. We need this willingness to think about the effects of regulation on the process of innovation. We come from a past that was extremely skeptical about state-granted monopolies. What we call "the intellectual property clause" of the Constitution, our framers would have called the "monopolies clause." The framers established—in the face of strong skepticism by Jefferson—a narrow class of cases in which the state might grant a legal monopoly to an idea or an expression to inventors when they had a novel idea, to authors when they expressed something original. But we live in a time when everyone feels entitled to a state-backed monopoly, when every idea wants a patent, and every

copyright wants to be perpetual. We have allowed this limited power to grow beyond recognition, and lawyers have been the stewards of this growth.

This may be a good thing. It may be that the massive increase in patents induces greater innovation. It may be that facilitating greater control over online speech will produce better and more speech.

Maybe. But one can't know this in the abstract. One knows it only by studying it. And one is open to studying it only when one is trained in a context where the question is being asked. This is the virtue of the education of the Chicago School: It will force the question generally—not just among the specialists, but also among every University of Chicago law student.

It's about time. And so too is the danger of this legal imperialism also about time. If the imperialists are wrong, then we will have lost something important by the time the Internet's Robert Bork graduates from Chicago. We don't have 30 years to get this one right.

*This article was reprinted by permission by The Standard (thestandard.com, 17 April 2000).*



Might future legal historians mark the turn of  
the millennium as the time when the University of Chicago Law  
School made major advances in the study and teaching of international law?  
If so, how much of the credit will go to a prescient and determined band of students?  
Those questions are raised by the debuts in the 1999-2000 school year of two new undertakings,  
each characterized by the rigorous, interdisciplinary, convention-challenging approaches that are hall-

# Chicago International

marks of the Law School's legal tradition. One is the new *Chicago Journal of International Law*, and the other  
is the new international law workshop. Further momentum is added to those developments by the  
expansion of the international law curriculum, the rules-altering accomplishments of the  
faculty's international human rights advocates, continuing growth in the impact and  
visibility of the LL.M. program, and the accomplishments of alumni in  
private and public international law practice.

*"The biggest problem with the picture that emerges for international law is that it is one that should not—indeed, cannot—continue. No one needs to be told that the world has shrunk, that human rights violations in one part of the world are not only morally reprehensible but also have practical repercussions elsewhere, that environmental problems demand international solutions, that weapons of mass destruction know no boundaries, and that the world has become a single economic unit. The question instead is how to bring our laws and institutions into line with this reality. Here, in the middle ground between the philosophy and cookbooks that have largely characterized international legal scholarship, the need for creative thinking and innovative scholarship is pressing. This is the gap that the Chicago Journal and its counterparts should strive to fill, because international law is important, necessary, and it makes a difference."*

Judge and Senior Lecturer in Law Diane P. Wood, "Diffusion and Focus in International Law Scholarship," in *Chicago Journal of International Law*





Vidya S. Atre

### The New Journal

The new *Chicago Journal of International Law*—*CJIL* for short—traces its distinctive qualities back to casual conversations among students in 1998. “We found ourselves agreeing that an interdisciplinary perspective was lacking from most international law journals,” recounts Vidya S. Atre, ’00, who would become *CJIL*’s first executive editor, “and we thought that such a perspective might make a valuable contribution.”

As the idea of a Chicago-based journal took

obtain interestingly-written first-person accounts from the people who are creating and implementing international law. We were hoping for a journal with broad applicability for scholars and practitioners in the legal profession and related disciplines.”

The founders’ overriding concern, encompassing the foregoing ones but extending beyond them, was to dig into international law scholarship and begin refocusing it on a new, more powerful paradigm.

Hence, the core of the journal’s inaugural

*The founders’ overriding concern was to dig into international law scholarship and begin refocusing it on a new, more powerful paradigm.*

hold, the student leaders identified other characteristics they would like to see in such a publication. Margaret J. A. Peterlin, ’00, *CJIL*’s first editor in chief, explains: “Because international law is not fully theorized yet, we decided that relatively short articles, intensely focused on specific topics, might be more valuable than the longer explorations found in journals devoted to more developed areas of law.”

In addition to that shift in orientation, Peterlin says, “We also wanted to see whether we could offer substantive treatments of current developments, and whether we could

issue was a symposium addressing the question, “What’s Wrong with International Law Scholarship?” Ten contributors—including a sociologist; an international relations professor; a legal historian; the Law School’s foreign and international law librarian, Lyonette Louis-Jacques, ’86; and Seventh Circuit Court of Appeals Judge Diane P. Wood, a member of the faculty—submitted thoughtful, provocative answers to that question.

Professor Jack Goldsmith, who advised the *CJIL* team, commends the journal’s creators for taking a challenging scholarly approach,



Margaret J. A. Peterlin

*“Americans, or at least American lawyers, tend to think that constitutions are largely pragmatic instruments, to be evaluated for what they do, not merely what they say. For us, a successful constitution accomplishes a great deal in the real world; it is far more than a set of statements of basic commitments. . . . In Eastern Europe, by contrast, one of the central points of constitution-making was emphatically expressive—to make a statement about what was being accomplished and to articulate national commitments or goals. . . . [C]onstitution-making in Eastern Europe had some of the features of design of a party platform in the United States, though of course the stakes, in the former case, were, and were broadly perceived as, much higher.”*

*Cass R. Sunstein, Karl N. Llewellyn Distinguished Service Professor of Jurisprudence, “American Advice and New Constitutions,” in Chicago Journal of International Law*



focusing much of its content on positive theoretical questions relating to the nature of international law itself, not principally on normative questions regarding the proper content of that law. "Just by asking the question, what's wrong with international law scholarship, they showed that they were willing and able to be critical, in both senses of that word—critical thinkers in assessing the current state of scholarly practice, and critics in insisting that the discipline should live up to the highest standards of legal analysis, which

Wald's description of the contrasts between her experience on the federal bench—where she served for 20 years as judge on the U.S. Court of Appeals for the District of Columbia Circuit—and her new assignment as a judge on the International Criminal Tribunal for the Former Yugoslavia.

In its second issue, the journal examined the validity of perceived threats to American sovereignty posed by trends toward global governance, publishing several papers arising from an American Enterprise Institute confer-



Cameron R. Krieger

*The guest speakers and the attendees at the international law workshops represented a Chicago-style multidisciplinary profile, and they challenged conventional thinking at every turn.*

it has not always done," he says.

*CJIL's* interdisciplinary approach and its questioning of existing methods place it, in Goldsmith's view, "squarely in alignment with the finest Chicago values."

The *CJIL* entrepreneurs also succeeded brilliantly in acquiring first-person accounts that met their exacting criteria for readability and relevance. Among the four articles in the "Perspectives" section are Professor Cass R. Sunstein's observations from his experience with the drafting of constitutions for new governments around the world, and Patricia M.

ence on that subject. The spring 2001 edition will feature articles evaluating the actual impact that human rights laws have had around the globe. New Editor in Chief Cameron R. Krieger, '01, reports that *CJIL* quickly cleared a major hurdle in the evolution of any journal: because of the Law School's reputation, the assistance and contributions of faculty and the diligence of *CJIL* staff, she says, "The very best thinkers have been more than willing to have their work published in our journal.

"That's a real honor," she adds, "especially

*"At most law schools—despite obvious trends for globalization in legal practice—international law is a form of juridical afterthought, a proverbial tail that wags the legal dog. International law is often regarded as an 'enrichment' course, a mere perspective of what domestic law is or should be. International law is thus not valued in its own right, but rather, only for what it can teach us about our own domestic law. Usually the message is that we are justified in feeling smugly superior that we profess a body of law that is, well, legal. Domestic law is, after all, immune from the vagaries of international politics and public morality. Nor is there any real schism between lex lata and lex ferenda as an essential jurisprudential basis of domestic law, as there is (and ought to be) in international law."*

*David J. Bederman, "I Hate International Law Scholarship (Sort of)," in Chicago Journal of International Law*



considering that there are more than 70 publications devoted to international law in the United States alone."

Dean Fischel, who admits that at first he had to be won over to the merits of authorizing yet another publication in that crowded field, now speaks of *CJIL* with unabashed enthusiasm. "It's the best international law journal out there, bar none," he says.

#### **The New Workshop**

Goldsmith and Professor Alan O. Sykes created and chaired the first year of the new

shops 4:30 to 6 on Monday evenings.

"Chicago has a great international relations program, brilliant minds, and we wanted to do our best to accommodate their participation," Sykes explains.

The guest speakers and the attendees represented a Chicago-style multidisciplinary profile, and their positive theoretical analyses challenged conventional thinking at every turn. For example, Ronald A. Cass, '73, who was vice-chairman of the U.S. International Trade Commission before becoming dean of

*The new workshop anchors an overall international law curriculum that has been considerably expanded in comparison to previous years.*

workshop that may also mark a significant evolution in the Law School's relationship with international law. Sykes and Goldsmith invited nine of the country's leading international law thinkers, from many different disciplines, to provide positive theoretical analyses and discuss them with students, who then wrote critiques that were provided to the speakers.

To encourage the broadest-possible engagement with the entire university community, Goldsmith and Sykes scheduled the work-

Boston University Law School, argued against the common assumption that free trade results in a "race to the bottom" that sacrifices general public welfare in favor of profit maximization. That metaphor, he said, "misleads in arguing that there is a simple, direct connection between trade and regulatory change, in arguing that the change leads to a single, low-regulation system globally, and in arguing that the change impairs domestic welfare." "Regulatory change," he proposed, "will tend to promote, not impair, welfare."



*Jack Goldsmith holds a diploma in private international law from the Hague Academy of International Law in addition to his J.D. from Yale. He has clerked for Judge J. Harvie Wilkinson of the U.S. Court of Appeals for the Fourth Circuit, Justice Anthony M. Kennedy of the United States Supreme Court, and Judge George A. Aldrich of the Iran-U.S. Claims Tribunal.*



The new workshop anchors an overall international law curriculum that has been considerably expanded in comparison to previous years. A conference on international law and economics is planned for spring 2001. Among the new seminars are "Selected Topics in International Arbitration and Litigation" and "The World Trade Organization." In addition to guiding the workshop's second year with Sykes, Goldsmith will teach "Public International Law," "Foreign Affairs and the Constitution," and

#### Human Rights

The Law School has strengthened its ties to the Human Rights Program, and increased its financial support. That program carries out an impressive array of activities, including three core courses, a biweekly workshop series, major research projects, a film series, and an initiative it spearheaded earlier this year, the Scholars at Risk Network. That network, which includes many educational institutions and other agencies, will bring scholars facing human rights abuses to academic positions in North America.

*The Human Rights Program draws on the unique strengths of the Law School and the university. "No other human rights program in the country is as interdisciplinary," says program director Jacqueline Bhabha.*

"Conflict of Laws," and he will also lead the seminar "International Law & Political Science" with Duncan Snidal, a lecturer in law and a member of the university's political science faculty. Lecturer in Law Jacqueline Bhabha, who has directed the University of Chicago's Human Rights Program since its creation in 1997, will lead three seminars: "Rights in Europe," "Human Rights, State Sovereignty, and Persecution: Issues in International Refugee Law," and the Human Rights Program core course "Current Issues in Human Rights."

Director Bhabha says the program draws on the unique strengths of the Law School and the University. Faculty from fields that include law, medicine, history, divinity, philosophy, and anthropology team-teach courses in such a way that the theoretical and practical aspects of the issues intersect. "No other human rights program in the country is as interdisciplinary," she says.

Bhabha's personal focus of late has been on transnational children's rights. She has developed a substantive legal framework as well as procedural and evidentiary standards for adju-



*Alan O. Sykes, the Frank and Bernice Greenberg Professor of Law, earned a Ph.D. in economics from Yale after completing his law degree at Yale Law School. He is an editor of the Journal of International Economic Law, author of Product Standards for Internationally Integrated Goods Markets, co-author of Legal Problems of International Economic Relations, and co-editor of Economic Dimensions in International Law and Implementing the Uruguay Round.*



dication of children's asylum claims. In addition to her many scholarly contributions in this field, she raised public awareness of these issues with her op-ed article earlier this year, "What About All the Other Elians?"

Martha C. Nussbaum, Ernst Freund Distinguished Service Professor of Law & Ethics and current president of the American Philosophical Association, is bringing philosophical inquiry to bear in practical ways on the most substantial questions of international development. Whereas most develop-

to realize opportunities and flourish, their concerns are central to the book. The refusal to allow women the "level of capability at which the choice of central human functions is really open to them," she writes, is "a problem of justice."

Visiting Professor Catharine A. MacKinnon has once again changed the landscape of international human rights law, leading the successful struggle to have rape recognized as a practice of genocide in the Second Circuit Court of Appeals, through winning a pitched

*"People graduating from the University of Chicago are going to be influential. I want them to approach immigration from an informed perspective." —Susan Gzesh*

ment activities have focused solely or primarily on economic success measures, Nussbaum is leading the way toward a broader, capabilities-based understanding of what she calls "basic constitutional principles that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires."

In her recently published book, *Women and Human Development*, Nussbaum begins the elaboration of her compelling analysis. Since women in particular are often denied the choices and options they should have in order

legal battle, which reached the Supreme Court, so that Bosnian Muslim and Bosnian Croat women could assert their claims for injury under the Alien Tort Claims Act and the Torture Victim's Protection Act.

This summer, as attorney for 12 Bosnian Muslim and Bosnian Croat women and their children, she won a \$745 million verdict in their case from a New York jury. She filed the complaint in February 1993 against Bosnian Serb Army leader Radovan Karadzic for rapes and other atrocities committed against her clients by military forces who acted under his





command and effectuated his policies.

Lecturer in Law Susan Gzesh is director of The Mexico-U.S. Advocates Network, a coalition of Mexican and U.S. human rights organizations concerned about bilateral and regional migration policy. The organization's goal is to forge a bi-national perspective, as experts from both countries explore the causes of immigration from Mexico to the U.S. and the changes such immigration has prompted in those societies. The interdisciplinary approach relies on the insights of sociologists,

them to approach immigration from an informed perspective."

### Meeting the Challenge

In her essay in the *Chicago Journal of International Law*, Judge Wood writes: "The challenge for international legal scholarship is not a modest one: shape theories that will work for the coming century, not two centuries ago; find a way to make them matter to ordinary lawyers and courts in cases where they should be considered; and above all, abandon parochialism in method, in thought, and in outcome."

*"The challenge for international legal scholarship is not a modest one . . . above all, abandon parochialism in method, in thought, and in outcome." —Judge Diane P. Wood*

demographers, and agronomists as well as legal scholars.

Gzesh teaches "Immigration Policy & Law" at the Law School. She tells her students to subtitle it, "Constitutional Law through the Looking Glass"; she aims to give those students an understanding of how the U.S. legal system treats non-citizens by examining immigration as one specific instance. "I want students to understand not only the legal framework but the forces that shape the laws," she says. "People graduating from the University of Chicago are going to be influential. I want

With the inauguration of *CJIL*, the initiation of the international law workshop, the expanded curricular focus on international issues, and the profound impact of the faculty on international human rights, the Law School is doing its distinctive part to meet that challenge.

*You can purchase the inaugural issue of the Chicago Journal of International Law, or subscribe to the journal, by calling (773) 834-4464, faxing to (773) 834-3023, or e-mailing [cjil@orgs.uchicago.edu](mailto:cjil@orgs.uchicago.edu).*



Diane P. Wood

*Chicago Journal of International Law staff members at the journal's launch party. Left to right: (front) Executive Editor Vidya S. Atre, '00; Book Review Editor Danielle Kemp, '00; Editor In Chief Margaret J.A. Peterlin, '00; Cameron R. Krieger, '01; Managing Editor Veronica L. Spicer, '00; Susan R. Gihring, '01; Book Review Editor D. Daniel Sokol, '01; (rear) Anne Fortune Wickers, '01; Comments/Topic Access Editor Brooke S. Snyder, '00; Articles Editor Jillian B. Berman, '00; Business Editor Kim M. Allen, '00; Developments Editor Douglas J. Kramer, '00; Jonathan H. Becker, '01.*

*Not shown are Articles Editor Brian Lehman, '00; Developments Editor Andrew Cohen, '01; Lindsey S. Holmes, '01; Averado P. Pascarella, '01; Elizabeth Pelletreau, '01; Victor Peterson, '01; Michael Scott, '01; Adam Singer, '01; and Joshua G. Urquhart, '01.*



In the event that the intellectual challenges and personal satisfactions of international law have been insufficiently dramatized, consider the experiences of four alumni who have been on the front lines.

George J. Phocas, '53, built a brilliant international career on virtually no formal law school training in international law. He did attend Professor Max Rheinstein's conflict of laws class, which he says he "remembers to this day" as a great learning experience that ignited a curiosity in him about the complexities of international practice.



George Phocas

When Phocas went to Sullivan & Cromwell after graduation, he wasn't aiming for an international career. But he quickly found himself working on a big international transaction, and his career soon went global. He joined Standard Oil (now Exxon), which was at that time the

world's largest corporation, negotiating complex transactions in many parts of the world. "It was sometimes more like being Secretary of State than being a lawyer," he recalls. "Practically everywhere we went, the red carpet was rolled out." He also recalls that "those were very different times from today"—times in which international travel was sometimes made on ocean liners rather than airplanes, and even overseas phone calls had to be booked in advance.

Phocas kept ahead of his times. He established the London office of Casey Lane & Mittendorf in 1963, when it was one of just a handful of European offices of U.S. law firms, as its senior partner. In the early 1970s, when President Nixon's détente policies opened the way for business dealings in the Soviet Union, he was among the first to go there, as executive vice president of Occidental Petroleum. His work has demanded business savvy and negotiation skills in addition to legal expertise. "I'd enter as a legal advisor, but my main contribution was often as a negotiator who knew the law very well," he says.

Now about to retire, Phocas recalls that his practice, involving negotiating, drafting, and monitoring intricate contracts between corporations and foreign entities, often widely diverse in their culture, language, and concepts of law and business, was "a continual adventure" in advancing standards of behavior under internationally accepted legal principles.

"This is a work in continual progress," he says, "which is now understood under the general term 'globalism.'"

Phocas has helped keep the Law School ahead of the times, too, as a member of the Visiting Committee and through the George J. Phocas Fund, which he generously established in 1994 to support leading-edge faculty research in the field of private international law. Just as Phocas helped set the highest professional standards for the innovative hands-on practice of international law, the fund he created enables today's finest scholars to further the understanding of that law and communicate it to students.

Peter Karasz, '65, who became managing partner of Cleary, Gottlieb, Steen & Hamilton at the beginning of this year, had his sights set on

an international practice even before he took his first steps across the Law School quadrangle. He remained at the Law School for two years after receiving his J.D. as a Ford Foundation Fellow in International Trade and Development and as an assistant to Edward Levi, who was then provost of the University. "Ed Levi was an extraordinary mentor to me," he says, describing working with Levi as being "more like a fabulous clerkship than just a great job."

Karasz joined Cleary Gottlieb in 1967 when founding partner Fowler Hamilton, a friend of Levi's, promised to send him to the firm's Paris office. That first posting was not without its tumultuous moments. He recalls that his arrival in Paris coincided with the social and political upheavals of 1968, when an estimated 10 million workers went on strike, students battled police in the streets, and the entire country sometimes seemed on the brink of anarchy.

When things settled down, his work—which he says could more accurately be called "transnational" rather than "international," because it most often involves the application of domestic laws to transactions that cross national borders—focused on worldwide capital markets, Eurobond issues, and oil and gas work in North Africa, where he represented the Algerian national oil company among other clients. He returned to Cleary Gottlieb's New York office in 1973, becoming a partner in 1975. His fluent Spanish (acquired as a youngster when he lived in Bolivia, where his father advised the Bolivian government) came in handy as Latin American economies surged in the late 1970s and the 1980s. He worked closely with Venezuela's national oil company and participated in sovereign and private debt restructurings throughout Latin America.



Peter Karasz

He also made the time during those years to serve the Law School as a member of the Visiting Committee from 1980 to 1983.

Today, he guides the global operations of Cleary Gottlieb, which has offices in eight countries and has more than a third of its 600 lawyers overseas. Among its larger recent client assignments, the firm handled the privatization and initial public stock offering of Deutsche Telekom last year and represented the French oil and chemical giant Elf Aquitaine against a complex hostile takeover bid.

Noting that Cleary Gottlieb's practice has nearly tripled in the past decade, Karasz acknowledges that his job is a big one. "But it's something I feel I've been preparing for all my life," he says, "and my years at the Law School were an essential part of that preparation."



After he graduated from the Law School, Gene E. Dye, '67, taught at Columbia Law School. He did so more by default than by choice, he explains: "I really didn't know what I wanted to do, so I had it in mind that I should do whatever preserved the most options, and that seemed to be teaching."



Gene Dye

In the second year of his teaching assignment, Columbia sent him to Paris. The rest is history. "I fell in love with the idea of living in France," he says, "and I have been here for more than 30 years now—still in love."

He joined a start-up firm in 1979 and helped build it from five lawyers to more than 300. During that time he also taught at the University of Paris Law School for 10 years. His work as a managing partner at that firm was gratifying, he says, but he eventually came to feel that he was "too taken up with management and administrative matters and too removed from the everyday work of a lawyer." So last year he joined a small boutique firm with an international reputation for its expertise in complex business transactions.

Dye has handled many large cross-border transactions, including helping Renault combine its truck business with Volvo's and working with the French company Publicis during its acquisition of UK-based Saatchi & Saatchi. He is also involved with the international debate on capital punishment and various human rights issues.

He has been a tireless contributor to the Law School's achievement of excellence, serving in a number of advisory capacities. Many of the international law initiatives at the Law School today reflect his farsighted thinking and his sustained commitment to preparing the world's best law students for the world's big legal challenges. He says that is a way for him to honor the great debt of gratitude he feels: "I have always felt that I was extraordinarily privileged to go to the Law School because I came in contact there with very different ideas than I had previously encountered. A related but somewhat different feeling is that I was privileged to have known and become friends with so many able people who have accomplished truly admirable things in their lives and have fought, and continue to fight, what I consider to be the 'good fight' for thinking things through, listening to and respecting others, limiting your own ego, and taking responsibility in a large sense in society. Finally, I am eternally grateful to the Law School for permitting me to acquire the professional tools that have allowed me to make my way and my professional life in a very rewarding manner in an international environment which I have chosen and which I love."



Lucy Reed

Lucy F. Reed, '77, led dozens of negotiations concerning the agreement to build nuclear power plants in North Korea in exchange for that country's freeze of its nuclear weapons program in her role as the first general counsel of the Korean Peninsula Energy Development Organization. She has also had leadership roles in some of the most significant recent international cases, including the settlement of U.S. claims against Iran, the "Holocaust Tribunal" regarding Swiss bank accounts, and the resolution of disputes between the United States and Chile.

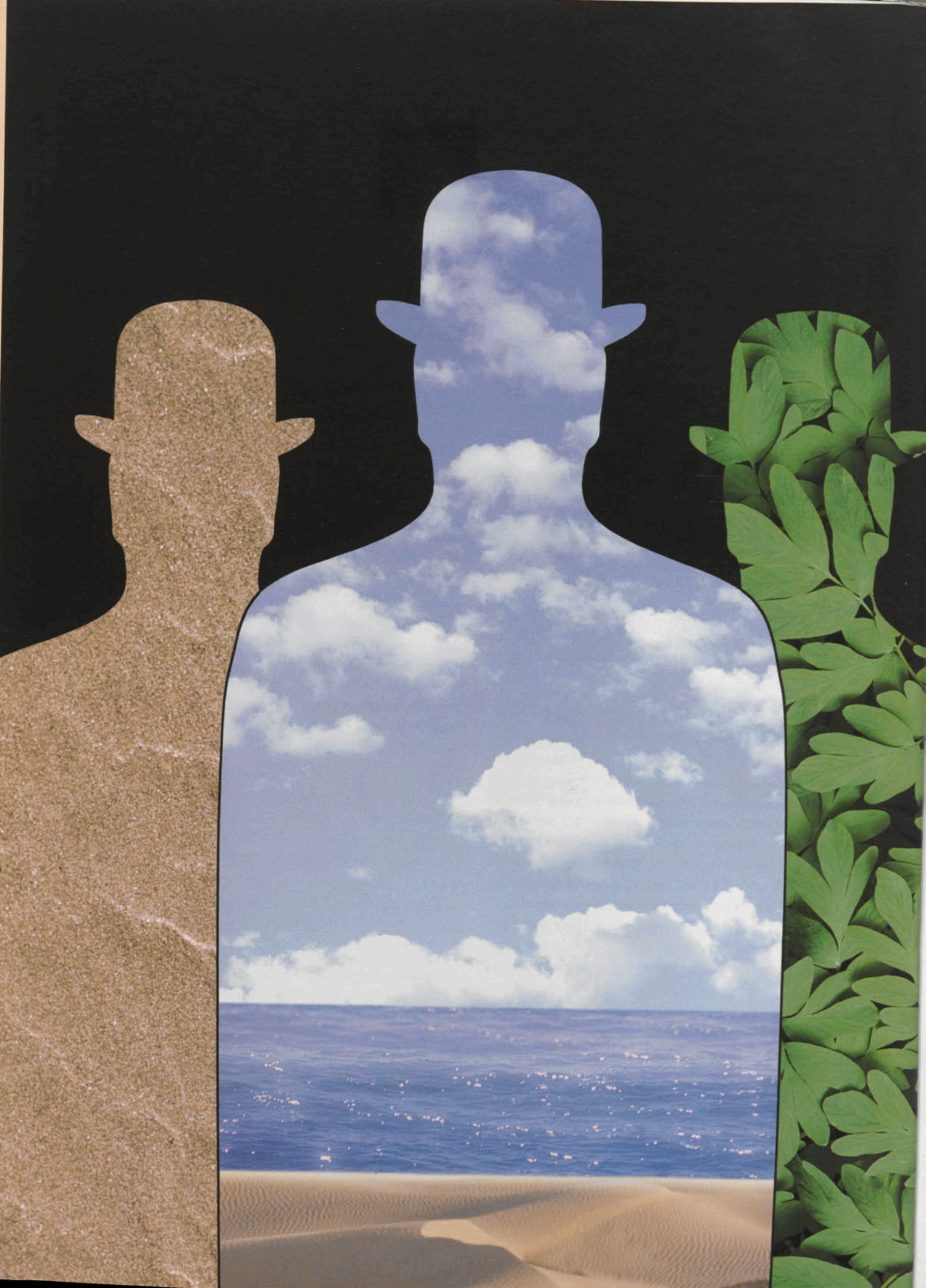
Reed acknowledges that when she was at the Law School, "people thought of international law as the eggheaded study of treaties." But now, she says, "you cannot escape international law. Everything has international components. Public international law is no longer an ivory tower. There's true globalization of practice, and there's the communication infrastructure to make it work."

Today, as a partner in the New York office of the international law firm Freshfields, she advises commercial clients on border demarcation and border disputes. Of her Law School education, she says, "The rigor of the teaching at Chicago has always stood me well, because so much of what I do requires a combination of mastery of details combined with thinking out of the box."

*Building on the vision of its great early leader, the late Professor Max Rheinstein, the LL.M. Program has today achieved preeminent status within the worldwide legal community. More than 600 applicants—an increase of 37 percent over the previous year—vied last year for the 53 slots that were ultimately filled by students from 21 countries. At least 18 program graduates will be working with U.S. law firms during the coming year.*

*Hildegard Bison, LL.M. '89, says, "In my LL.M. class of about 20 people, the majority were from Europe. I learned more about Europe while in the U.S. than I could ever possibly have learned otherwise. In fact, to this day we are still in touch and consider each other to be very close and reliable friends and colleagues. I am rather proud to say that looking at a list of the LL.M. class of '89 is like looking at a list of the best law firms in Europe."*









# *The Practice*

During strategic planning sessions with alumni and faculty concerning the future of legal practice, the ongoing debate within the profession regarding multidisciplinary practice (MDP) came up often. Because he believes that such practice is in the interests of the profession in general and of Chicago students and alumni in particular, Dean Daniel Fischel has taken strong public positions favoring MDP. This article provides some background about MDP and explores some of the issues it presents.



*Joseph Schumpeter famously described the engine of capitalism as "creative destruction"—"a process of mutation . . . that incessantly revolutionizes the economic structure from within, incessantly destroying the old one, incessantly creating the new one." As the legal profession looks at multidisciplinary partnerships—*

that is, at lawyers combining with other professionals in arrangements that include the sharing of fees—some see the desirable creative energies of the free market at work, while others see nothing but destruction.

"Most lawyers seem to have developed a siege mentality about MDP," says Barry S. Alberts, '71, who teaches legal ethics at the Law School. "On one side you have the folks who say, 'Let's face reality and move forward,' and on the other you have those who are saying, 'Over my dead body.' Both sides have merit, and no one has found a workable compromise."

Resolutely on the over-my-dead-body side is Lawrence J. Fox, a highly respected attorney who has served in many top ABA posts, including membership on the Ethics 2000 Committee. Saying the soul of the legal profession is up for grabs, Fox warns that permitting multidisciplinary practice will lead to "the destruction of everything lawyers should and must stand for."

Firmly on the other side stands Law School Dean Daniel Fischel, who asserts, "The legal profession should welcome multidisciplinary practice as creating new career and economic opportunities for its members. Instead, the





ABA and other organized bar groups have thus far taken the opposite approach, capitulating to interest group pressure from those segments of the profession cowering at the prospect of increased competition from other service providers." Fischel makes the case for MDP in an article in the May 2000 issue of *The Business Lawyer*.



The expansionist activities of the Big Five accounting firms have been the principal impetus for attention to the promise—or the threat—of MDP. Since the early 1990s, those organizations have dramatically increased their utilization of lawyers, branching out from auditing and tax advice to include services in estate planning, employee benefits, litigation support, regulatory compliance, financial planning, and such front-end services as investigation and discovery.

Among them, the Big Five now have upwards of 5,000 lawyers on staff; and PricewaterhouseCoopers and Arthur Andersen rank third and fourth, respectively, in number of lawyers employed worldwide, behind only the law firms of Baker & McKenzie and Clifford, Chance, Rogers & Wells.

One commentator has observed, "While the majority of U.S. lawyers did not react to the MDP phenomenon until recently, lawyers elsewhere in the world have been looking at it for some

time." Two Law School alumni with exceptional records of accomplishment and service in the international field have identified MDP as a major force affecting the future of their practices. Gene E. Dye, '67, has practiced law in France for 30 years (see page 19). When he participated on the planning panel addressing the law firm of the future, and in subsequent contributions, Dye stressed "increasing integration of legal services with other sorts of services—i.e., the end of historic professional-service monopolies" as an irresistible force affecting his practice.

Similarly, Guillermo Morales Errazuriz, LL.M. '87, who heads the Santiago-based firm Morales, Noguera, Valdivieso & Besa, says, "Big multinational providers of

the world, a demand they are uniquely qualified to meet.

Statistics show that these are more than hollow claims: one legal services consultant staked at half a billion dollars the amount of legal fees included in the bills of American MDPs—an estimate he called "conservative." And Andersen Legal, the global lawyering arm of Arthur Andersen, recently reported 30 percent annual growth in revenues, a rate more than twice the average for the firms in the *American Lawyer* 100.

Multidisciplinary practice is not just for the big sluggers. Many lawyers in many kinds of practice see potential benefits for their clients and for themselves from providing integrated services. Esther F. Lardent, '71, a member

*"The legal profession should welcome multidisciplinary practice as creating new career and economic opportunities for its members. Instead, the ABA and other organized bar groups have thus far taken the opposite approach." —Dean Daniel Fischel*

legal services, such as the consultancies and global law firms, are already putting a lot of pressure on the legal market." He asks, "Is there a future for local firms?"

The Big Five say that their multidisciplinary approach is better, faster, and cheaper, meeting the modern world's demand for integrated solutions to complex problems through convenient "one-stop shopping" for professional services. Moreover, they say that the globalization of business has created demand for seamless service delivery around

of the ABA Board of Governors and an MDP proponent, says, "This is not simply a corporate Big Five issue. In the world that I work in, the world of legal services, one of the most exciting developments is holistic service. We are now working as lawyers with doctors, social workers, and other professionals because we recognize that addressing only the legal element of those clients' problems is not enough. We must work with our colleagues in other disciplines to address their problems." James Robinson, whose



*Lawyers at the big accounting firms say they don't violate 5.4 because  
they are providing advice, not practicing law,  
but even the strongest advocates of multidisciplinary practice are unconvinced.*

two-person firm specializes in elder law, told the *ABA Journal*, "I would like to form a consortium with a CPA and a money manager, and provide comprehensive services on a fee basis that's split among the members of the consortium. I can't do that right now."



The reason Robinson can't do that, and the reason why many contend that the Big Five are engaging in unauthorized practice of law, is Rule 5.4 of the Model Rules of Professional Conduct, titled "Professional Independence of A Lawyer." That rule, which has been enacted in all 50 states, prohibits lawyers from combining or sharing fees with non-lawyers if any part of the business consists of the practice of law.

Lawyers at the big accounting firms say they don't violate 5.4 because they are providing advice, not practicing law, but even the strongest advocates of multidisciplinary practice are unconvinced. Fischel, for instance, writes, "Few are persuaded by the claim that Rule 5.4 is not being violated. No functional difference exists between what practicing lawyers do (other than possibly litigating in court) and what the supposedly non-practicing lawyers do as 'tax compliance experts,' 'estate planners,' and the like."

Fischel adds that the profession has little stomach for confronting unauthorized practice, and so competitors "are becoming increasingly brazen in flouting the prohibition on fee sharing." A 1998 investigation of Arthur Andersen by the Texas Committee on Unauthorized Practice of Law was terminated with no charges brought. Many state bar associations, however, are still vowing to get tough on the miscreants. At the ABA's 1999 national meeting, for example, Cheryl Niro of the Illinois State Bar Association announced to robust applause, "It is the strong preference of the members of the Illinois State Bar Association to act more aggressively on this issue. . . . [W]e are definitely on the road to taking action."

Rule 5.4, however, is just the starting point for what many view as a domino effect of collapsing values. Fox charges that the accounting firms "are a one-profession wrecking crew, destroying any ethical rules that stand in their path." He also says attorneys who work there have to answer to a long bill of particulars:

They are violating Rule I.7 on conflicts of interest, because no accounting firm imputes conflicts from one professional to another. They are violating Rule I.6 on confidentiality by writing their

clients in advance and saying that those clients waive their entitlement to confidentiality, to the extent that the accounting firm has an attest function obligation to the public to disclose. They are violating our rules against non-competes by signing non-competes when they go to work. They are violating our rule on limiting liability.

He could have gone on—some commentators see as many as 10 conduct rules under direct threat from MDP, and many more as potentially endangered.

The specter of all those toppling dominoes has led some to describe multidisciplinary practice as the most important issue facing the legal profession in the past 100 years. It prompted the ABA commission examining multidisciplinary practice to declare that its report and the subsequent action by the ABA would constitute "memorable events in the annals of the American Bar Association and the legal profession." Immediate ABA past president Jerome J. Shestack dramatized the significance of the issue as follows in an address to the ABA House of Delegates last year: "I don't want to enter the next century known as those who have driven nails in the coffin of legal professionalism. . . . It's a clever name, this multidisciplinary practice. A more appropriate name would be multi-



*"It's a clever name, this multidisciplinary practice.*

*A more appropriate name would be multi-laxity of disciplined legal practice."*

*—ABA past president Jerome J. Shestack*

laxity of disciplined legal practice. This is not the legacy that I hope to take with my profession into the 21st century."

Dean Fischel looks on such complaints with great skepticism. In general, he says, the legal profession can't be—and shouldn't be—insulated from free-market realities: "If the law firms can't compete because MDPs offer a superior product, then the law firms' position is exactly analogous to horse and buggy manufacturers faced with the invention of the automobile. They should either adapt or go out of business."

The dean views the threatened professional conduct rules as indefensible vestiges of cartelism in a profession that is increasingly moving, as it should, toward becoming a competitive enterprise. "These rules serve lawyers' interests ahead of society's," he says, adding, "Lawyers should define their role in society by the value of what they do, not by the purity of their hearts." He says that, because most of the clients for the accounting firms' multidisciplinary services are highly sophisticated purchasers—general counsels of major corporate or commercial entities, for example—"the need for customer protection in this market is non-existent." Conclusions based on undifferentiated assertions regarding lawyers' independence

or the special social responsibilities of lawyers are, in this context, only rhetorical diversions from the important analytical questions at hand: "non sequiturs," in the dean's words.



As for the specific rules, the dean avers that the imputed conflicts rule, which disqualifies an entire firm from representing a client if any lawyer in the firm would be disqualified from representing that client, "should be discarded altogether," as "an artificial, anachronistic constraint on the ability of law firms to grow to their efficient size." Regarding Rule 1.6, Dean Fischel acknowledges that lawyers and accountants have different ethical responsibilities—the lawyer's for confidentiality, the accountant's for disclosure—but he trusts the free market to police inappropriate behavior and to guide companies in deciding wisely about whether MDPs are the best way to meet their professional-services requirements.

Looking forward, the dean views the continued expansion of multidisciplinary practice as inevitable, since it serves customer needs, creates strong financial and professional incentives for its practitioners, and will not be deterred by regulators. Moreover,

he considers it inconceivable that American firms will stand by and allow European and other overseas firms—many of which are not subject to restrictions on multidisciplinary practice—to make inroads into this lucrative market.

After more than two years of study and debate, during which a modification of Rule 5.4 was proposed and then quickly tabled because of the strong opposition it generated, the ABA's Commission on Multidisciplinary Practice ultimately recommended in its July 2000 report that the prohibition against fee-sharing should be undone, providing (in the commission's words) "that the lawyers have the control and authority necessary to assure lawyer independence in the rendering of legal services."

The commission also urged the ABA to consider postponing any action on MDP-related issues for another year, until its 2001 Midyear Meeting. However, at the ABA Annual Meeting this past July, the House of Delegates adopted a resolution strongly slanted against MDPs. Among other things, the resolution urged jurisdictions to "retain and enforce laws that generally bar the practice of law by entities other than law firms," and to revise their laws to reflect the view that "[t]he sharing of legal fees with



non-lawyers and the ownership and control of the practice of law by nonlawyers are inconsistent with the core values of the legal profession."

"The law governing lawyers, that prohibits lawyers from sharing legal fees with nonlawyers and from directly or indirectly transferring to nonlawyers ownership or control over entities practicing law, should not be revised," the resolution asserted.

Dean Fischel, who participated in a panel discussion at the ABA meeting where the resolution was passed—but which was scheduled for a time after the vote had already been taken—does not see the current action as putting any kind of end to the momentum for MDPs. He says, "The ABA, whatever the strength of the words it has endorsed, has done nothing to change reality. Regulation can override market forces for only so long."



Over the past two decades, American businesses have undertaken the wrenching, often painful transformations necessary to compete in the 21st century's dynamic global marketplace. According to the incisive organizational theorist Peter Drucker, today's successful free-market competitor "must be organized for constant change. . . . It must be organized for systematic abandonment of the established, the customary, the familiar,

the comfortable—whether products, services, and processes, human and social relationships, skills, or organizations themselves." Some lawyers and law firms are embracing that vast challenge (see next page), while some others maintain that the legal profession cannot abandon its traditions without forfeiting its very justification for existence.

It was General Electric CEO Jack Welch, heralded as one of the 20th century's greatest corporate leaders, who formulated the imperative that in one way or another animates all sides in the continuing battle over multidisciplinary practice.

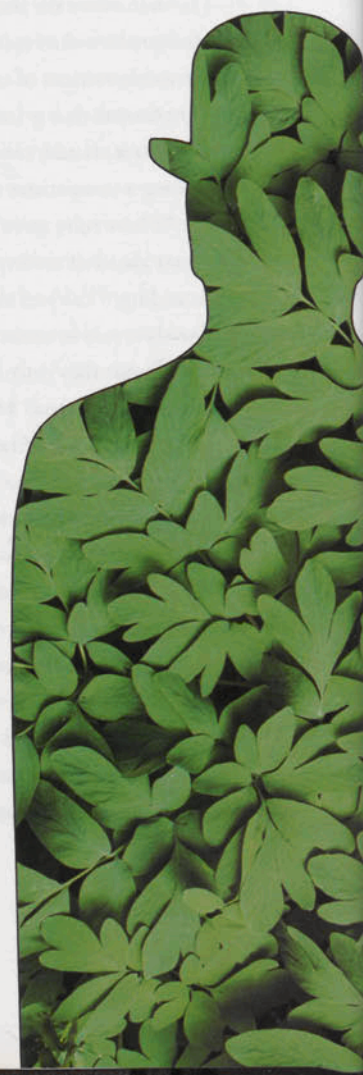
"Control your destiny," Welch said, "or someone else will."

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International MDP issues are extensively treated in Laura S. Terry and Clasina B. H. Mahoney, "Future Role of Merged Law and Accounting Firms," in *Proceedings of the Forty-First Annual Symposium: Private Investments Abroad* (New York: Matthew Bender, 1999): 7-5-7-41.

The ABA's publications on MDP can be found at [www.abanet.org/cpr/multicom.html](http://www.abanet.org/cpr/multicom.html).





In California's Silicon Valley, on what some call the "bleeding edge" of the new economy, two graduates of the Law School are dealing innovatively with many of the competitive issues that others in the legal profession may soon have to address.

**Robert V. Gunderson, Jr., '79**, heads the law firm Gunderson, Dettmer, Stough, Villeneuve, Franklin & Hachigian. **Tae Hea Nahm, '85**, is cofounder of Venture Law Group (VLG). Both firms are located in Menlo Park. VLG was founded in 1993, Gunderson Dettmer in 1995.

VLG says it "specializes in helping deal-intensive technology and growth companies define, finance, and grow their businesses"; its client roster includes Yahoo!, WebTV, Oracle, Hotmail, Rosetta Inpharmatics, and Financial Engines. The *Wall Street Journal* described the firm as "equal parts management consultant, investment banker, venture capitalist, and legal adviser." Nahm's partner Craig Johnson says, "Think of us as a McKinsey or a Boston Consulting Group for start-ups, with the added value that we can actually do the deals."

Gunderson Dettmer prides itself on being "a new kind of law firm in the heart of Silicon Valley"; its track record includes more than 90 public offerings, 780 venture and other private financings, 300 strategic alliances, and 125 mergers and acquisitions, as well as the formation of more than 55 venture funds with committed capital in excess of \$7 billion. The *American Lawyer* magazine described Gunderson as offering clients "just the right mix of legal ability, business sense, and industry savvy."

Gunderson Dettmer made national waves this year when it boosted the salaries of first-year associates to \$125,000, throwing in a guaranteed bonus of at least \$20,000 on top of that—all with no associated billable-hours requirement. That action sparked a salary-bumping chain reaction throughout the profession, to the dismay of some, but Gunderson says it makes business sense. "It's all about getting terrific people," he told the Law School's *Phoenix* newspaper. "It makes an enormous amount of sense to share opportunity with both the youngest and the most senior attorneys."

Gunderson Dettmer achieved an additional burst of positive identification among potential employees by being first with the most, but it has always focused on hiring and keeping the best. In recent

years, the firm has won plaudits in the *American Lawyer* magazine's annual summer associate survey, placing first nationwide one year and first in Silicon Valley another. In an expanded 1999 survey that considered the satisfaction of mid-level associates as well as summer staff, the firm again ranked first in Silicon Valley and third nationwide among mid-size firms.

VLG's organizational value statement affirms its commitment to having no voluntary turnover by law associates, which means a lot of attention to money and non-money issues. VLG shares profits with everyone who works there—lawyer or not—and gets profit participation in the companies it advises, which is also shared.

VLG has practiced a deliberate strategy of working with only the most scintillating clients. It turns away a lot of work because, as Johnson explains, "We want to brand VLG as the law firm you want to be with if you're the next Yahoo!" The firm's distinctive logo is said to be as recognizable by Silicon Valley denizens as the Hard Rock Café's trademark is in other quarters.

Nahm says that VLG, as a new kind of legal-services organization, still sometimes finds that its best-conceived management practices bump into uncooperative realities. For example, he says that although "no voluntary turnover" is a proper goal to keep everyone thinking about retaining the best, it can't always be met amid the splendid opportunities that associates (and partners) encounter. One associate recently left to become vice president of business development for a very large multinational company, another to become general counsel of a company on the verge of going public.

In his *Business Lawyer* article, Dean Fischel maintains that the professional conduct rules barring ownership of law firms by non-lawyers should be eliminated. "No reason exists why MDPs (or law firms) should be precluded from raising equity capital," he writes. At VLG, Craig Johnson has been outspoken about his interest in eventually taking VLG public, telling *Inc.* magazine several years ago that VLG structured itself from the outset to allow for that possibility. For the moment though, he, like Nahm, is principally concerned with moving VLG as many steps forward as possible before the winds of the changing business climate blow it a step or two back.



# Student

Life

## The First Graduating Class of THE 21ST CENTURY

"I am envious of your situation," Thomas Pritzker, J.D./M.B.A. '76, president and CEO of the Hyatt Corporation, told the Class of 2000 at the Law School's second annual hooding ceremony in Rockefeller Memorial Chapel. "You are coming on-line at a time when your education will provide you with unprecedented opportunities." Graduation 2000 celebrated not only the accomplishments of the last three years but opportunities for the future.

The celebration began at 10 a.m. with the University Convocation in Harper Quadrangle, where degrees were awarded. University President Emerita Hanna Gray assured graduates, "Your degrees are indelible. You cannot rub them off. They cannot be returned or exchanged."

Law School graduates then proceeded to Rockefeller Chapel, where Dean Daniel Fischel welcomed them and their guests to a hooding ceremony specifically designed "for our special community" and introduced Pritzker, who delivered the Alumni Remarks. Titling his comments "Plan B," Pritzker encouraged graduates to develop two distinct paths simultaneously, thereby taking advantage of their diverse talents and the extraordinary historical moment in which they live.

"By developing multiple passions," Pritzker said, "you are able to pursue each of them more effectively. You will be geared to a life of continuing education, which will serve you well in this time of rapid change."

Professor David Currie, the faculty speaker, also stressed the importance of continual growth and rigorous questioning. "All of your education makes you ready to learn," he said. "Legal questions that are

worth posing have no answers," he added. "It's hard. Don't let them tell you law is easy." (See sidebar remarks on page 31.)

Graduates then received the hoods associated with their advanced degrees from professors Emily Buss, Herschella Conyers, Jack Goldsmith, and David Strauss or from their alumni family members. Amy E. Goldfrank, J.D., was hooded by her brother, Arthur Goldfrank, J.D. '93, and Tamar Karsh-Fogel, J.D., was hooded by her husband, Louis Fogel, Ph.D. '00, who has since enrolled in the J.D. Class of '03.

*"You will be geared to a life of continuing education, which will serve you well in this time of rapid change."*

*Thomas Pritzker*

Thirteen other graduates were hooded by mothers, fathers, husbands, wives, brothers, aunts, and uncles with degrees from the College, the Graduate School of Business, the Division of the Humanities, the Division of the Biological Sciences, and the Pritzker School of Medicine.

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1. The hooded procession of the Class of 2000. 2. Jeff Zeeman high-fives fellow graduates (left to right) Mike Stern and Tracy Steen. 3. Joan Britton and Cathy Lucas at the graduation-day reception. 4. Presiding over the hooding ceremony were (left to right) Thomas Pritzker, J.D./M.B.A. '76; Dean Daniel Fischel; and Professor David Currie. 5. Thomas Pritzker conveys "Plan B" to graduates.







## Reflecting on the Past, Heading into the Future



Omar Beer

### **Omar Beer, J.D., Associate, Latham & Watkins, San Francisco**

Before the Law School, Omar Beer was a Peace Corps volunteer in Mali, West Africa, helping establish agricultural enterprises such as chicken-raising. Then he wrote business stories as a reporter in San Francisco. Both experiences helped develop his interest in working with small businesses. At the Law School, Beer focused on commercial law and worked for Debevoise & Plimpton in New York City his second summer. A native of Boulder, Colorado, he opted to move back West to the San Francisco branch of Latham & Watkins. "I'm looking forward to working as a sort of business advisor to smaller companies," he said. "It will be just like raising chickens in West Africa."



Brian Butler

### **Brian Butler, J.D., Assistant Professor of Philosophy and the Humanities, University of North Carolina, Asheville**

Brian Butler came to the Law School with a B.F.A. from Otis Art Institute and an M.F.A./M.A./Ph.D. from Claremont Graduate School. He has taught philosophy and humanities at Wright College in Chicago and is looking forward to teaching aesthetics and social/political philosophy at UNC Asheville, one of the top six public liberal arts universities in the country. "Being at Chicago as a law student gave me the opportunity to greatly strengthen my political theory and legal philosophy/jurisprudence knowledge," Butler said.



Joe Khan

### **Joe Khan, J.D., Assistant District Attorney, City of Philadelphia**

Joe Kahn wanted to be an Assistant District Attorney for the City of Philadelphia since he was 15 years old, and now he's going to do just that. He's gained a range of experience in law and public service, including a clerkship last summer at the Philadelphia firm of Drinker Biddle & Reath and college internships at the White House and the U.S. House of Representa-

tives. At the Law School, he defended indigent juveniles through the Criminal Justice Project of the Law School's Mandel Legal Aid Clinic.



Allyson Newton

### **Allyson Newton, J.D., Clerk, the Honorable Jacques L. Wiener, U.S. Court of Appeals for the Fifth Circuit, New Orleans**

While at the Law School, Allyson developed her legal writing and research skills as a staff member of *Law Review*, as articles editor for the *Legal Forum*, and as editor in chief of the *Harvard Journal of Law and Public Policy's* Federalist Society Symposium issue on "Competition, Free Markets, and the Law." While her background in English (she earned her Ph.D. at Rice University) helped some, she said, "I had to 'unlearn' as much as I had to learn about how to 'write like a lawyer.'" She looks forward to clerking with Judge Jacques Wiener to, as he says, "get the law right."



Inge Vos

### **Inge Vos, LL.M., Stibbe Simont Monahan Duhot, Brussels, Belgium**

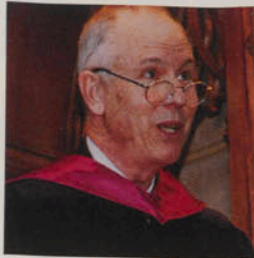
Inge Vos grew up in Puurs, Belgium, a small town between Antwerp and Brussels, and earned her Licence in Law from Katholieke Universiteit Leuven before coming to Chicago. Vos said she differed from most of her classmates because of her primary interest in administrative law. She took as many courses as she could in constitutional, administrative, and environmental law and particularly enjoyed studying with Professor David Currie.





## Graduation Remarks to the Class of 2000

By David P. Currie



*Molasky v. Garfinkle*, p. 640.

It seems only yesterday, doesn't it, that we began every class in civil procedure with those few words, and now it's all over. What a difference three years can make! The law has gone for you from *terra incognita* to a slippery slope and thence to *res judicata*, *sua sponte*, and *res ipsa loquitur*. Not that the law ever speaks for itself in the sense of giving clear answers to hard questions. Legal questions that are worth posing have no answers; that's what makes them so interesting. And you have acquired the tools with which to discuss them.

And it's hard, isn't it? Don't let them tell you law is easy; it's as intellectually challenging as anything you'll encounter. That they pay us to think about such questions is one of the wonders of the Western world.

Now you are ready to go out and put your legal skills to work—in law, in government, in business, in the academy. Whatever you do, you'll do it better for having been here; for the tools of legal analysis are the tools of clear thinking in general.

I hope you're proud of your accomplishment. We who are among your teachers are surely proud of you. I say among your teachers because you've surely taught each other more than you've learned from us—in your interchanges in class, your study groups, your informal conversations, your student-run organizations like moot court, the clinics, and the journals.

For, as you've discovered, you can't really understand the law by reading books, listening to lectures, and memorizing rules. You'd only forget them, and they'd change them anyway. You can't understand the law until you make it your own by restating it, arguing about it, applying it to new situations. It's the process that counts, not the material.

So you should be proud of your achievement. Your employers tell you you're superbly qualified

to practice law—that is, to learn how to practice law. It took me 25 years to understand why they called graduation "commencement." I always thought it odd to call the end the beginning. But it is the beginning, isn't it? All your education makes you ready to learn; be sure you never stop.

You should be proud of your profession, too. The practice of law has come in for a good deal of ribbing, some of it in good fun (I'll spare you examples), some overgeneralizing from the misbehavior of a small minority to which you will never belong. But the law is a noble profession. The rule of law is one of our proudest boasts, the product of democratic self-determination, the bulwark of our freedom.

The law doesn't administer itself. Rights cannot be protected without advocates to assert them. It is the peculiar responsibility of the legal profession to assert those rights and to defend and uphold that law. When one of Shakespeare's characters says the first thing to do is kill all the lawyers, it's not another bad joke about the legal profession. It's not Shakespeare himself speaking even in fun. He puts the

words in the mouth of a rabble-rousing demagogue who wants to put an end to law and order and liberty and knows it's hard to do while there are courts and judges and lawyers to defend them. It is no less praiseworthy to defend those whom society disdains. Edward Bennett Williams was called a fascist for defending Senator Joseph McCarthy and a communist for defending his victims. We don't condemn the doctor who heals the sick or the priest who ministers to the sinner; no more should we condemn the lawyer who defends those who find themselves on the wrong side of the law. So don't let them tell you the law isn't a noble profession.

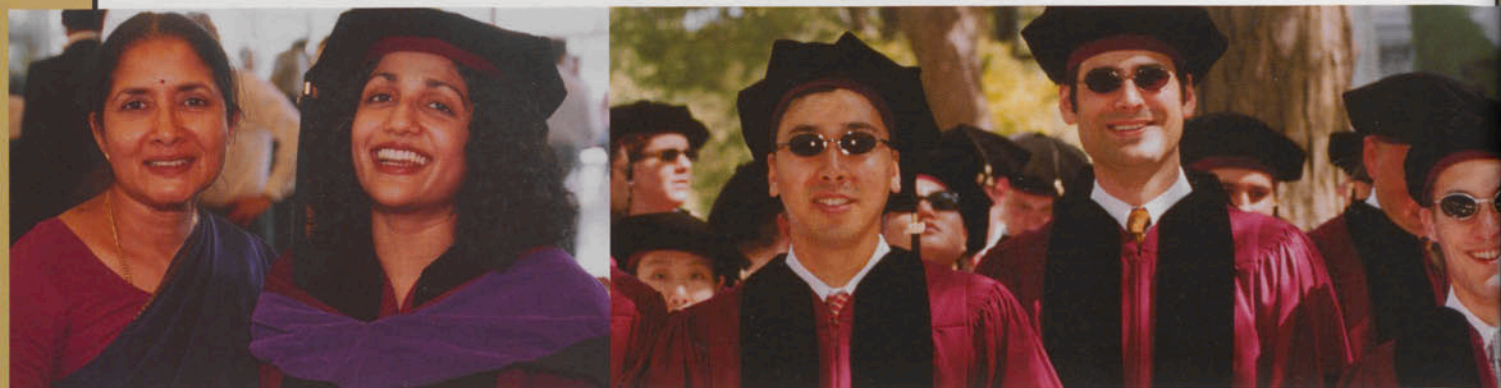
I leave you with these lessons: The law is an endlessly challenging and demanding intellectual discipline; the law is a worthy and noble profession. It is not just what some unelected judge had for breakfast, but a real constraint on arbitrary action, the mainstay of our civil rights and liberties.

Go ye then into the world; employ your hard-earned skills, apply them to make the world a better place, and remember fondly your days at Chicago. And for tomorrow: *Molasky v. Garfinkle*, p. 640!



**Left:** LL.M. graduates (left to right) Avraham Tabbach, Alessandra Stabilini, Henrik Schutze, Martin Schlag, Omri Sachs, and Diego Rojas-Moreno. **Center:** Amy Goldfrank was hooded by her brother, Arthur Goldfrank, '93. **Right:** A guest (left to right) joins Michael Call, J.D./M.B.A. '00; Tommaso Tosi, LL.M. '00; and Ed Morrison, J.D. '00, in a toast to their futures.





## FROM BAR TO BAR

### Former Vegas Waitress Leaves Bar to Study for It



Lomax as Cleopatra

When the University of Chicago Law School students cracked open their textbooks on the subject of sexual harassment, one classmate had the ear of all the others.

After all, Michele Lomax's unorthodox route to the highly rated law school included, most recently, two-and-a-half years as a cocktail waitress at a Las Vegas casino hotel.

At another hotel, the famed Caesar's Palace, Lomax entertained casinogoers as Cleopatra, complete with glittering gown and towering headdress. Before that, she won a tiara with her exotic beauty and reigned as Miss Palm Springs 1994. Not a boring job in the lot, Lomax said, but work that came with unwanted comments.

"This [harassment] stuff is theory for most of them," said Lomax, 30, of her younger, more conventional classmates. "But I could tell them what it's really like."

Appreciative classmates recently handed Lomax another title for her profoundly eclectic résumé. In their informal, good-humored class awards, they resoundingly voted her the person who "Does Most to Debunk the U of C Stereotype."

Las Vegas, of course, is neon hustle, all gambling and excess and glitzy entertainment. Surely, it is as far as you can get from the elite, rarefied atmosphere of the gothic Hyde Park campus and still be in the United States.

No matter. Lomax said her secret to thriving in both

worlds was this, and it applies equally to dealing with high rollers and legal scholars: "I refuse to be intimidated by anyone."

Lomax repeated that motto to herself when she flew to Chicago from Las Vegas three years ago for her admissions interview. She was bright and charismatic, with a 1992 degree in speech communications from the University of Washington. But she figured she might not fit the privileged profile she associated with the University of Chicago. Besides her unconventional résumé, she was the first family member she knew of in three generations to graduate from college, much less go to law school. Lomax grew up in Southern California, the only child of a single mother.

*"This [harassment] stuff is theory for most students. But I could tell them what it's really like."*

*Michele Lomax*

Irreverent, confident, and quick, she calls herself a "B" student at law school, but she also garnered predictions that she will be "a really sensational lawyer," in the words of her labor law professor.

Lomax landed a job practicing real estate law with the Chicago office of the megafirm of Piper, Marbury, Rudnick & Wolfe.

This story was excerpted from an article written by Marja Mills in the June 12, 2000, Chicago Tribune.

*At graduation, Lomax's classmates awarded her the title of "Does Most to Debunk the U of C Stereotype."*

Tribune/Anselm Foyd







**Left:** 2000 graduate Vidya Atre (right) celebrates with her aunt, Sundari Magge. **Center:** Happy graduates (left to right) Hyun Bo Sim, Jayesh Shah, and Steven Segaloff. **Right:** Charles Dunham Biles is hooded by his uncle, Mayor Stanley Biles, A.B. '75, of Olympia, Washington. A celebrated rite of the hooding ceremony is the participation of relatives who are University alumni/alumnae.

## FLYING HIGH Law School's Return of the Profitable Son



John Rodkin

When John Rodkin entered the Law School with the Class of 2000 as a J.D./M.B.A. candidate, he figured that those degrees, combined with his computer science and electrical engineering degrees from MIT, would provide for a satisfying career in the new economy.

Before his classmates had even graduated, Rodkin had already enjoyed the kind of success that the new economy's dreams are made of. He invented a Web browsing assistant called Flyswat, developed it, and sold the company to NBC Internet, all within 18 months. Flyswat, which allows users to search the Net by clicking on keyword links within the text, has consistently garnered high praise from reviewers. One wrote that it "transforms the entire Web into a gigantic, cross-referencing encyclopedia."

Although his own graduation from the Law School may have to wait—he's now an NBCi executive, a position he says he'd like to hold for a while for "the experience of being a vice president in a big company"—Rodkin has kept in close touch with the Law School. He attended his class's graduation ceremony in June, and he was a guest lecturer in Senior Lecturer Andrew Rosenfield's seminar on entrepreneurship. (See story on page 49.) He says he'd like to return one day to finish his degree.

"I really enjoyed law school," he says. "Half of

that was law school in general, and half of it was the University of Chicago specifically. The intellectual stimulation day to day is unparalleled." He also says he'd like to return to a start-up environment to share the wealth of knowledge he's gained. "I would like to work with other big start-up companies, especially from MIT and Chicago, so I can help other people get into this."

He received substantial help from another Law School alumnus who is taking a leading role in the new Internet economy: Jim Brock, '86, one of the founders of Amicus. A strategic business adviser to Internet entrepreneurs, Amicus focuses its energies on the most cutting-edge start-ups. Its clients have included BuyDirect.com, when.com, and FindLaw.

*He invented a Web browser called Flyswat, developed it, and sold the company to NBC Internet, all within 18 months.*

Amicus decided to accept Rodkin as a client, Brock said, because he liked the Flyswat product and because "John is one of those walk-through-walls entrepreneurs you want to support."

Though he has temporarily stepped outside the walls of the Law School, the feeling is inescapable that, in one capacity or another, John Rodkin will be making many welcome returns.



## E V E N T S 2 0 0 0



1

**1. Trivia Contest:** Professors Beth Garrett (left) and Adrian Vermeule (right) join Dean Daniel Fischel at the final round of the Trivia Contest on April 7. The students, represented by team "The Ubiquitous Stallions + Ellen," once again beat the faculty trivia all-stars, which this year was comprised of professors Richard Epstein, Tracey Meares, Stephen Schulhofer, and David Weisbach.

**2. Graduating Students Dinner:** Dean Fischel addresses the Graduating Students Dinner on May 18. Third-year and LL.M. students and their guests dined together a final time and were feted by faculty.

**3. Law School Musical:** Heath Dixon, '01, leads the cast of the 16th annual Law School musical, *Law School: Impossible*, in a number from the show at the student talent show. The musical ran to sold-out crowds February 25 and 26.



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2





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**4. CLF Charity Auction:** Above: Omar Beer, '00, displays the merchandise while Professor Richard Epstein calls for bids at the CLF auction. Right: Katherine Eldred, '02, makes a bid at the CLF auction. The January 21 auction raised thousands of dollars for the Chicago Law Foundation, which supports students who take summer public-service positions and charities that benefit the Woodlawn community in the Chicago area.



**5. Cinco de Mayo:** Below, left: A masked avenger takes a swing at the piñata at the Cinco de Mayo Wine Mess. Below, right: Dean Badger's drollery amuses Daniel Johnson-Weinberger, '00, and Greg Weintraub, '00. Bottom: Javier Martinez, '01, and his partner swing to the sounds of mariachi. The Wine Mess was held during Alumni, Reunion and Family Weekend, and many alumni and family participated.



5







1. (Seated left to right) Judges Stephen Williams, Kenneth Starr, and Rosemary Barkett. (Standing left to right) Competitors Cara Tseng, William Pokorny, Christopher Roach, and Sara Hornstra. 2. Judge Rosemary Barkett. 3. Before the argument, board member Dan Muino explains the rules of the competition to the audience. 4. Judge Kenneth Starr. 5. Judge Stephen Williams. 6. Dan Muino presents winner Cara Tseng with the Hinton Memorial Cup. 7. Christopher Roach confers with Sara Hornstra. 8. Moot Court Board (left to right): Mark Castillo, Dan Muino, Jim Madigan, and Vidya Atre.

## SCOUT'S HONOR V. SCOUTS' HONOR

### Hinton Moot Court

By James Madigan, '00

Four students made the Law School proud as they faced the man whose investigation had polarized much of the nation. Former Independent Counsel Kenneth Starr was on hand to judge the final round of the 1999-2000 Hinton Moot Court competition on May 11 in the Weymouth Kirkland Courtroom.

Joining Starr on the bench were Judge Stephen Williams of the D.C. Circuit Court of Appeals and Judge Rosemary Barkett from the 11th Circuit Court of Appeals. Williams recently authored a high-profile administrative law opinion regarding the Clean Air Act that will be reviewed by the Supreme Court in the upcoming term. Before she was appointed to the federal bench, Barkett was the first woman to sit on the Florida Supreme Court.

In front of a packed Weymouth Kirkland Courtroom, the four finalists—William Pokorny, '01; Cara Tseng, '00; Sara Hornstra, '01; and Christopher Roach, '00—argued *Boy Scouts of America v. Dale*, which centered on the Boy Scouts' decision to expel James Dale, a lifetime Scout and troop leader, after learning he was gay. The New Jersey Supreme Court had sided with Dale, holding that the Scouts must comply with the state's public accommodation law banning discrimination on the basis of sexual orientation. The Scouts appealed the decision to U.S. Supreme Court, claiming that the application of the New Jersey law violated the group's freedom of speech and freedom of association.

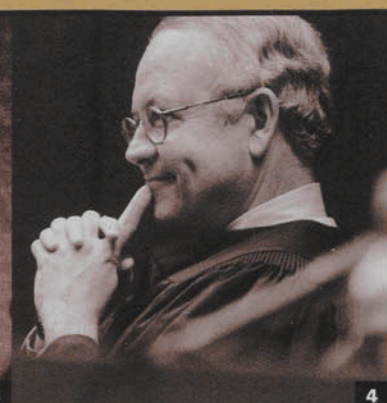
Pokorny and Tseng represented the Boy Scouts, arguing that Dale's open sexuality was inconsistent with the Scout oath requiring members to be "morally straight"

and "clean." Tseng likened the case to the Supreme Court's unanimous decision in *Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston*, in which the Court held that the organizers of a St. Patrick's Day parade had a free-speech right to exclude groups with whose banner and message the organizers disagreed. Pokorny urged for a group's unfettered freedom of association right to choose its leaders. Judge Barkett found it difficult to glean any position on homosexuality from the terms "morally straight" and "clean." Noting that the President of the United States serves as honorary leader of the Boy Scouts of America, Barkett asked why the President's own sex life had not disqualified him from his honorary post. As the courtroom erupted in laughter, Barkett turned to Starr, who remained silent with a tongue-biting grin.

The barbs kept coming as Roach and Hornstra defended the New Jersey decision on behalf of Dale. Hornstra questioned the notion that this was a free-speech case, saying that, since the organization says nothing at all to its members regarding homosexuality, there was no expression or "message" with which Dale might interfere. Roach warned that freedom of association claims could easily be used to circumvent all anti-discrimination laws. The judges pressed the competitors on the potential breadth of a ruling that







forced a private group to associate with a person whose moral views were at odds with the group's official stance.

Pokorny and Tseng emerged victorious. All three judges commented on the difficulty of choosing a winner between the two teams, given the contestants' well-written briefs and high-caliber arguments. Starr then opened the floor to questions from the audience, and each of the three judges offered thoughts on the substantive issues of the case at hand as well as general remarks on effective advocacy.

On hand for the proceedings was Evan Wolfson, the attorney who argued James Dale's actual case in the U.S. Supreme Court. Both Wolfson and Starr had speaking engagements before large student audiences during their visit to Chicago. The Supreme Court handed down its opinion in *Boy Scouts of America v. Dale* on the last day of the term. In a 5-4 decision with sharp dissents, the majority sided with the Scouts. The opinions can be found at 120 S.Ct. 2446.

To reach the final round, the competitors had compellingly argued two other cases from the Supreme Court's current term during a competitive process that lasted the entire school year. The top 10 scorers from

the first round argued *National Foreign Trade Council v. Natsios* before a panel of three Law School professors, Julie Roin, Jack Goldsmith, and Adrian Vermuele.

The competition was run by the members of the Hinton Moot Court Board: Vidya Atre, '00, director of judges; Mark Castillo, '00, director of events; Dan Muino, '00, director of cases; and James Madigan, '00, chairman. Pokorny and Hornstra will serve as co-chairs of the board for 2000-2001.

*James Madigan received a Bigelow Fellowship for the upcoming academic year and is teaching first-year research and writing.*





## PARETO CORP.

### A Law School Start-up

By *Averardo Pascarella, '01*

The New Venture Challenge business planning competition at the Graduate School of Business has grown in popularity and intensity during its four-year history. This year, a record 105 teams submitted start-up business plans for consideration by a panel of venture capitalists. In addition to cash prizes, the winner, and even the finalists, stand an excellent chance of securing venture funding.

Until this year, no team consisting entirely of law students had made it past the initial screening process into the semifinal round. Developing a start-up was greatly supported by the Law School's commitment both to encouraging entrepreneurs and to teaching strategic ways of solving business problems.

I met my first teammate, Matthew Adler, '01—a J.D./M.B.A. who has an engineering background and worked at Intel before law school—in Senior Lecturer Andrew Rosenfield's excellent entrepreneurship seminar. Toward the end of the quarter, David Wride, '01, joined us, adding to our team his strong business experience, including participation on Ameritech's Y2K team. Our first business concept—a company that would commercialize cloning—was unworkable.

In January, Andrea McCann, '01, who had founded a private detective agency before law school, joined us, bringing her invaluable perspective as a real-life entrepreneur to bear on our plan. Things began to gel, and in February, we submitted an executive summary of our proposed venture to the competition's judging panel of five venture capitalists. We proposed a web service named AdCommand that would provide a business-to-business (B2B) Internet-based solution for the inefficiencies that plague the buying and selling of print advertising in newspapers and magazines.

While waiting for the panel's verdict, we continued the time-intensive process of developing the business plan. Andrew Oliver, '02, joined us, with his background in technology and magazine publishing sparking many insights for the team. Toward the end of the winter quarter, we learned that AdCommand had been chosen as one of the 34 business ideas to advance in the competition. One venture capitalist even ranked our plan in a tie for first place!

As New Venture Challenge semifinalists, we were given a \$500 stipend and began assembling a team of experienced advisors. After interviewing several law firms, we chose Kirkland & Ellis, where Lecturer in Law Jack Levin—who teaches "Structuring Venture Capital and Entrepreneurial Transactions" at the Law School—and Erik Dahl, '96, agreed to represent the company. In exchange for equity in Pareto, the holding company for AdCommand, Kirkland provided many hours of guidance and legal support.

At the start of the spring quarter, Jeremiah Goulka, '01, and Vikram Varma, '01, joined our team. Their experiences in venture finance and technology greatly enhanced the sophistication of our approach to raising capital. Soon, propelled by the skills and reputations of our advisors and the prestige of our institutional affiliations, we found ourselves holding meetings with private investors, venture capitalists, and incubators—an incredible learning experience. In May, we made our final presentation in the competition, showing a series of PowerPoint slides and fielding questions from our classmates and a panel of venture capitalists. That night, over beers at Jimmy's, we savored the triumph of having generated a business plan that had impressed the panel. But, the team agreed it would make more sense to finish our degrees than to execute the AdCommand plan at that time.

That we were not chosen as finalists seemed merely a footnote to our own decisions not to carry out the AdCommand plan. While we had generated a plan that would clearly work, we learned that a start-up business opportunity needs to be more compelling than the many career options available to law school students. While some members of our team concluded that they would prefer to practice law upon graduation, those of us who continue at Pareto are working to develop a new concept better suited to our strengths and professional experiences.

We have recently been joined by Scott Fuqua, '01, who was doing research and strategy work for the company in Colorado this summer. In the fall, we will selectively augment the team. Our goal is to leverage Internet-based technology to generate strategic network models for attorneys and professionals in related fields. As we continue to hone our plan and form alliances, we seek advisors, investors, and partners who share our vision. If all goes well, we will be one of many law student teams to submit to the New Venture Challenge in 2001.



## MEDIA BRIEFS

### **Clothes (and Software) Make the Man**

May 15, 2000: *GQ* magazine includes former '00 class member and Flyswat.com founder John Rodkin in a photo of well-dressed Silicon Valley entrepreneurs.

### **Hef Reaps What He Sows**

May 15, 2000: James Madigan, '00 (pictured at right), garners national attention for a protest against Chicago's naming a street for the Playboy founder.



## NEIGHBORS GROUP REACHES OUT WITH CLOTHING DRIVE

Neighbors, the Law School's main community service organization, affords students the opportunity to give to the local community. Neighbors runs four regular programs—elementary school tutoring, teen mentoring, soup kitchen, and elderly outreach—to help people in the Hyde Park area. In addition, Neighbors conducts a food, blood, or clothing drive each quarter. Pictured above, Matt Michael, '00, and Dunham Biles, '00, display the mountain of donated clothing Neighbors collected from the Law School community this spring.

### **Student Journal Symposia**

- October 22, 1999: Roundtable Symposium. "God Made Adam and Eve . . . Will America Marry Adam and Steve? The Legal and Social Ramifications of Same-Sex Marriage."
- October 29-30, 1999: Legal Forum Symposium. "Antitrust in the Information Age."
- February 11, 2000: Roundtable Symposium. "Mass Incarceration: Perspectives on U.S. Imprisonment."



# THE LAW AND INTERNET FORUM:

## The Student Arm of Chicago's New Revolution

By Daniel Lin, '01

In his article, "In Search of Skeptics," (see article, page 9) former University of Chicago Law School Professor Lawrence Lessig contends that the new first-year course to be offered first quarter 2000, "Technology, Innovation, and Society," may be the beginning of another Chicago revolution similar to the great law and economics movement. He writes, "The question it will ask is how the law affects innovation—and how bad law can stifle it."

The Law and Internet Forum might be considered the student arm of Lessig's new Chicago revolution. A student organization established in 1998, its mission is to promote the development and exchange of ideas in the growing field of law and technology. Working together with law firms and corporate sponsors, the Law and Internet Forum organized several lectures and seminars in the past year.

Indeed, Lessig himself was a guest speaker of the Law and Internet Forum in the autumn quarter, when he discussed issues from his new book, *Code and Other Laws of Cyberspace*. Lessig focused his talk on the patent system as a form of regulation and its possible negative impact on Internet commerce.

The Forum's winter quarter seminar, "Business Method Patents in the Digital Age," was held on February 23. Law students, business students, and members of Chicago's legal and business communities filled the Weymouth Kirkland Courtroom to hear patent experts discuss the validity of business method patents, such as Amazon.com's one-click patent and Priceline.com's reverse-auction patent.

Starting the discussion was Greg Aharonian, a widely known critic of the patent system and publisher of *PatNews*, his popular e-mail newsletter. He argued that the U.S. Patent Office (PTO) is incapable of handling business method patents. Following him was Dean Alderucci, Chief Counsel of Intellectual Property for Walker Digital, the mother company of Priceline.com. Alderucci argued that the finding of the famous State Street decision was misunderstood and that patents that had been granted by the PTO had indeed undergone great scrutiny and ultimately had been deter-

mined to be new, useful, and nonobvious. Joining the discussion were Daniel Harris of Brobeck Phleger & Harrison in Palo Alto and Joseph Rolla, head of the U.S. Patent and Trademark Office's Technology Group. Rolla pointed out that there is a presumption of validity for patents granted by the PTO and that business method patents are only a very small percentage of the great number of patents reviewed by the office. Completing the panel was Steven Wallach of Pennie & Edmonds in New York. He wrote the famous State Street business patent and currently defends barnesandnoble.com against the Amazon one-click suit.

On May 3, five of the nation's preeminent legal experts on Internet privacy assembled in the Weymouth Kirkland Courtroom to debate the issue of government regulation of privacy on the Internet. Featured presenters were Scott Blackmer of Wilmer Cutler & Pickering; Declan McCullagh, Chief Washington Correspondent of *Wired News*; Joel Reidenberg, Professor of Law at Fordham University; Marc Rotenberg, Executive Director of the Electronic Privacy Information Center; and Eugene Volokh, Professor of Law at UCLA.

The panel discussion quickly turned into a heated debate. For example, Volokh argued that the right to information privacy is essentially the right to prevent others from speaking about an individual or using information about that person; thus, if the government is permitted to regulate privacy, and thereby prevent others from speaking about the individual, then the government contravenes free speech and the First Amendment, which bars the government from controlling information. In contrast, Rotenberg pointed out that individuals simply are not aware of the level of information they are releasing on the Internet and, as such, the government should encourage the establishment of default rules that protect an individual's privacy.

The privacy seminar was attended by Alan Krashesky, a longtime anchor at WLS ABC-7 News, the local Chicago ABC affiliate. WLS was doing a series on Internet privacy risks from a consumer's perspective. The seminar afforded Krashesky access to leading privacy experts who are not normally in Chicago. WLS interviewed several of the panelists, taped segments of the seminar, and interviewed several students. The segment, titled "Invasion of Privacy," aired in May as a two-part series.



# High-Touch and High-Tech FOR ADMISSIONS



Anna Praschma



Genita Robinson

Anna Praschma, '97, and Genita Robinson, '96, came back to the Law School in September 1999 as the new deans of admissions. Here, the *Law School Record* asks them about their new, aggressive approach to recruiting top students.

**Record:** How would you describe the approach you take as an admissions officer? What are your goals for the office?

**Robinson:** Our philosophy is "high-tech, high-touch." New technology has assisted us in increasing the level of our communications and contacts with prospective students. We have installed a new database to track all prospective students and have made the application process more accessible through our Web site and CD-ROMs. We've provided a secure bulletin board on the Web for admitted students to ask questions of each other, current students, faculty, and administrators. Our current students helped by e-mailing the admitted students. In addition, Anna and I made our e-mail addresses available, as did various faculty members and administrators. And, with the help of the Law School Admissions Council, students have been able to submit applications for the 2000-2001 cycle electronically.

Using more traditional methods, in 1999-2000, we attended 45 recruiting events off campus as opposed to 19 the previous year, and we hosted weekly prospective student open houses during fall and winter quarters.

I think our technology/personal touch combination has paid off. Many applicants have described our application process as "simple" and "humane."

**Praschma:** Our job is to educate as wide an audience as possible about what makes this Law School great.

**Record:** What are the most important things you seek to communicate when you meet with prospective students?

**Praschma:** I love being ambassador for the Law School. It's easy to sell a product I believe in. I try to convey the following unique characteristics: First, the Law School environment is small, friendly, and non-competitive. Our faculty are not only superstars—they are accessible and get to know their students by name. Second, our program is tough. We look for people to rise to the challenge. Someone who is looking for the path of least resistance won't be happy here. Third, no other school matches our diversity of ideas. And finally, no other school innovates the way we do.

**Robinson:** A Chicago education does not come easily. (I know this from personal experience.) But, if a student is truly committed to obtaining the best legal education possible, there is really no other option. Chicago adds more to a student's research, writing, and analytical skills in three years than any other law school. Judges, law firms, and corporations recognize the value of a Chicago education. My hope is that eventually everyone will recognize that value as well.

## Applications to the Law School Soar

The Admissions Office broke new records in the 1999-2000 academic year. It received just under 3,600 applications—the highest number of applications in the Law School's history and a 20 percent increase over the number of applications the previous year. The acceptance rate dropped from 29 percent to 23 percent, and attendance at Admitted Students Weekend in May increased by 70 percent for the highest turnout ever.



# Clinics

and the Community

## INSIDE

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*Assistant Clinical Professor of Law Herschella G. Conyers (top right) along with Clinical Professor and Director of the Mandel Legal Aid Clinic Randolph N. Stone (bottom right) explore the advocacy process with students.*

## NOT GUILTY BY REASON OF INSANITY

Mandel Clinic Mental  
Health Advocacy Project

*By Jay Kugler, '00*

Although many people may see it as "beating the system," the reality is that a verdict of not guilty by reason of insanity, or NGRI, can be a long, long sentence to a place none of us would send our worst enemies.

The Elgin Mental Health Center in Elgin, Illinois, incarcerates NGRI people along with people determined unfit to stand trial. Labeled as forensics, they are separated from the rest of the patient population by fences and security guards and are held for longer periods of time than their "sane" counterparts imprisoned for committing identical crimes.

For many years, one of the few privileges allowed NGRI patients was an unsupervised on-grounds pass. In 1990, two forensic patients with on-grounds passes escaped from Elgin. Since then, all pass privileges for NGRI patients have been revoked. Initially billed as a temporary measure, it became permanent, with no inquiry into its clinical appropriateness.

In 1990, Clinical Professor Mark Heyrman and students in the Mental Health Advocacy Project filed a complaint in federal court alleging multiple counts of violations of constitutional rights on behalf of NGRI forensics. Ten years of litigation, a trip to the Supreme Court of the United States, and a five-day trial in state court finally moved a judge to issue an injunction requiring the Elgin staff to consider their forensic patients individually in recommending pass privileges.

The injunction went into effect on March 1, 2000, and there are still difficulties to be worked out in the implementation of the order. However, thanks to the persevering efforts of Professor Heyrman and a dozen students in the Mental Health Project, forensic patients can now exercise some element of personal freedom in an atmosphere of total confinement.



# MURDER IN THE FIRST DEGREE

## Mandel Clinic Criminal and Juvenile Justice Project

By Douglas Kramer, '00

On a Saturday morning in March 1998, Terrance's\* mother entered the room of her five-year-old foster child and found the child dead. Tests conducted at the hospital determined that he had died of peritonitis, a rupturing of the spleen, which had poisoned the child's system and killed him in his sleep. The young victim and his five siblings had been placed in Terrance's mother's care by the Department of Children and Family Services. Thirteen-year-old Terrance, his two younger brothers, and his mother were taken to the police station, where Terrance and his nine-year-old brother were charged with murder in the first degree. The community, the media, and city leaders all responded loudly to the worsening situation of youth violence, and the state's attorneys proposed justice be done. No one publicly rose up in defense of young Terrance.

In January 1999, I was assigned to Terrance's case and, consequently, discovered that there were no eye-witnesses, no physical evidence, no weapon, and no motive; that the police were relying on hearsay "confessions" with no recorded transcription of what had been said or how the line of questioning had been conducted; and that the state had based its charge on investigators' notes, which contained general statements about a fight between the young boys.

By focusing mainly on Terrance's "confession," we filed motions to quash his arrest and suppress his statement to police. In particular, we argued that, on the three different instances of interrogation, a 13-year-old child couldn't have knowingly, willingly, and/or voluntarily waived his Miranda rights. Although precedent was not on our side (Illinois courts generally find juveniles as old as Terrance to be competent to waive Miranda rights), we hoped that the court would respond to a public sentiment about police being careful when taking statements from minors. By May, our request that the statement be suppressed was denied.

In sum, it has been shocking to see the state move so swiftly to convict a 13-year-old boy. Was it because it was a crime against a ward of the state? Every actor in the process, from the investigating police to the prose-

utor, had been zealous to convict this child.

Before working at the Mandel Clinic, I had always thought that such efforts by the state were being made for my benefit—to get criminals off the street—but now I realize such efforts are also to be feared. Without sufficient legal representation, even a 13-year-old boy can get swept away.

\*Terrance is a fictional name; the client's real name is confidential.

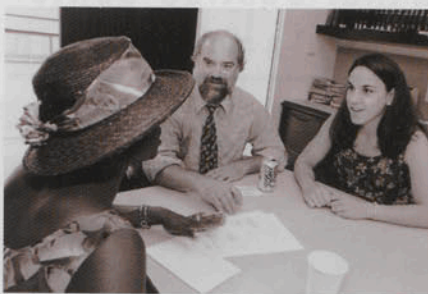
# PREGNANT JUDGMENT

## Mandel Clinic Employment Discrimination Project

By Danielle S. Kemp, '00

In October 1994, Anna Marie Klups began a new job. During the first months of her employment, she was praised by coworkers and told her performance was satisfactory. Then, in January 1995, Klups informed her supervisor that she was pregnant. Within two weeks, her supervisor fired her, saying that it was "in the best interest of the company."

Klups filed a charge of discrimination with the Illinois department of Human Rights in February 1995. Two years later, the department's investigator found that there was a lack of substantial evidence to show that Klups was a victim of discrimination.



Clinical Professor of Law Randall D. Schmidt, '79 (left), and Danielle Kemp, '00, consult with a Mandel Clinic client.

I was assigned to Klups's case shortly after it had been dismissed by the Department. At that time, a complainant in Illinois could request that the Illinois Human Rights Commission review the department's findings. My task was to help write the Request for Review. I was handicapped in this endeavor because, citing a new rule, the department denied us access to the investigation file. Thus, my job was to argue against the department's decision without knowing how that decision had been reached. And, although we



knew that the investigator had considered the credibility of the witnesses when making his decision, we were not allowed to see the witness statements.

The problems we encountered in writing the Request for Review in Klups's case soon proved to be a pattern with dismissed cases of some of our other clinic discrimination cases. As a result of this discovery, the clinic filed a class action lawsuit in Federal District Court in 1998 on behalf of Klups and two other clients. By early 1999, the district court judge granted an injunction prohibiting department investigators from using credibility as a determination of charge, thereby requiring the department to produce an investigation file with witness statements. This injunction forced the department to deliver Klups's file to us, and we were able to use these documents to prepare our brief. Consequently, the commission reversed the department's dismissal and entered a finding of substantial evidence.

By October, Klups and her former employer reached a settlement, a vindication Klups would never have received had the clinic not fought against the Department of Human Rights' notion of "credibility."

## CHARGING BATTERIES

### MacArthur Justice Center Takes on Tamms Again

By Cara Tseng, '00

Any first year law student can tell you that a battery is an unconsented-to touching. Working on the defense of Faygie Fields, a mentally ill prison inmate charged with aggravated battery, I never realized how broadly that innocuous definition could sweep.

On October 19, 1998, Fields "battered" two guards at Tamms Correctional Center, the Illinois "super-max" prison. Fields reached through his chuck hole (the slot through which meals are passed) and grabbed the arm of a passing guard. The guard pulled loose and called a second officer to close up the chuck-hole door. Fields banged on the door, causing it to strike the second guard's shoulder. The incident was trivial; no one was hurt. But the result was two counts of aggravated battery.

*Cara Tseng, '00, (from left) and Director of the MacArthur Justice Center Locke Bowman confer with civil rights attorney Standish E. Willis and a client.*



MacArthur Justice Center's current docket of cases includes litigation against gun manufacturers, work on the right to DNA-innocence testing, and various suits challenging systemic deficiencies in Illinois' prison system. MacArthur's work for prisoners' rights led it to take on Fields's defense. Fields became a named plaintiff in a class-action lawsuit brought against Tamms with the claim that the confinement of seriously mentally ill prisoners violates the Eighth Amendment.

We couldn't ignore the timing of the charges against Fields. The so-called batteries took place in October 1998. The Department of Corrections did not begin a criminal investigation of the incident until January 1999—three months after the incident, but a bare three weeks after MacArthur's class-action lawsuit had been filed. In addition to the suspicious timing of the prosecution, Fields's case was one of only nine criminal prosecutions from a pool of more than 300 inmate-on-staff assaults at Tamms since its opening. And, Fields's battery was the only prosecution in which the tort consisted of mere touching, not throwing urine or feces, possessing weapons, or purposefully inflicting harm on the guard. We argued that Fields was vindictively prosecuted in retaliation for being a plaintiff in the MacArthur suit. Our arguments didn't persuade the trial judge, but an appeal is pending.

This case opened my eyes to issues not covered in the classroom, where we tend to think of prison litigation in terms of frivolous pro se complaints flooding the courts, or the need to give deference to penal institutions and their policies. Fields's case has made real for me the difficulties of challenging a large, state institution. It further shows that the law can be an incredible instrument of oppression.



# TAKING CARE OF BUSINESS

## IJ Clinic Helps Low-Income Entrepreneurs Cut Red Tape

By Dan Lilienquist, '01



Four years ago, Darryl Brown decided that the time had come for him to start his own business. Brown had developed a seasoned-coating product for chicken, pork, and fish, which he wanted to produce and market. Without the resources to hire an attorney, Brown quickly became con-

founded by and frustrated with the complexity of Chicago's regulatory climate. After expending a significant amount of his limited personal resources, Brown was forced to shut down his business.

I worked on Brown's business during my 1999 summer internship with the IJ Clinic and immediately saw firsthand how low-income entrepreneurs like Brown can get lost in the regulatory maze and how legal fees act as additional barriers to launching a start-up.

The Institute for Justice Clinic on Entrepreneurship is dedicated to removing this barrier for as many inner-city entrepreneurs as possible. The clinic routinely helps entrepreneurs obtain the proper licenses,

choose and form business entities, prepare business plans, and negotiate contracts. We have helped Brown and his associates restructure their corporation, obtain financing, and protect trade secrets. They have firm commitments from 138 retailers in Chicago to carry the finished product.

I also discovered other obstacles many inner-city entrepreneurs face. In July 1999, we visited a Chicago alderwoman to tell her about the IJ Clinic and its service to empower community entrepreneurs. The alderwoman responded that, by providing such services, we were giving low-income people false hopes that they can be self-sufficient. I hope it came as a great surprise to that alderwoman that, after a year of hard work and help from the Clinic, Darryl Brown is legally and financially ready to conduct business.

Be on the lookout for Tasty Delite Seasoned Coating in your local grocery store.

*Low-income entrepreneurs like Brown can get lost in the regulatory maze, and legal fees act as additional barriers to launching a start-up.*

Raven Reddick (left), the owner of Quizno's, talks with (from left to right) Lecturer in Law and IJ clinic on Entrepreneurship Director Patricia Lee; Carlo Barletta, '02; and Michael Hall, '02, about creating employment opportunities for low-income individuals in her restaurant.





## THE FAILURE OF THE DEATH PENALTY?

### Community Faces Off at Forum

At a community forum held at the Law School on May 15, prosecutors, defense attorneys, reporters, government officials, faculty, law students, and community members gathered to debate the causes of and solutions to the failure of the death penalty in Illinois. The impetus for the forum, co-sponsored by the Law School and the *Chicago Tribune*, was Illinois Governor George Ryan's January 31 declaration of a moratorium on the death penalty.

One major reason for Ryan's suspension of the death penalty was the investigative reporting of Ken Armstrong and Steve Mills of the *Tribune*. Armstrong led the forum by reviewing his analysis of the 285 death penalty cases prosecuted in Illinois since its reinstatement in 1977.

In searching for elements common to wrongful convictions in death penalty cases, Armstrong said he and Mills found that defense attorneys had been disbarred or suspended either before or after their cases in 33 instances. Questionable evidence from jailhouse informants was used in 46 cases, and controversial hair analysis was used in 20 cases. Thirty-five trials concluded with an African-American defendant being convicted or sentenced by an all-white jury. In short, Armstrong concluded, defendants in death penalty cases were "often convicted on the thinnest evidence."

John Callaway, the former host of WTTW's "Chicago Tonight," moderated a panel discussion

among a diverse group of experts, including Matthew Bettenhausen, executive director of the Illinois Commission on Death Penalty Reform established by Governor Ryan; Arthur F. Hill, Jr., chief deputy of the Cook County State's Attorney's Office; William Hooks, president of the Cook County Bar Association; William Kunkle, a former prosecutor who tried John Wayne Gacy; Andrea Lyons, professor at the University of Michigan Law School; and Barack Obama, state senator and senior lecturer at the Law School.

Callaway began by asking Bettenhausen what Governor Ryan wanted his commission to study. Bettenhausen said that the governor gave them "a broad mandate" to see "how we can fix the system and if it can be fixed."

*"We have to look at ourselves  
and not just the judiciary  
in looking at this problem."*

*Barack Obama*

Hill reported that the central issue of concern is "the competency of lawyers on both sides." He argued that the murder task force of the Cook County Public Defender's office is an excellent group of attorneys and that he was "a little shocked" by the *Tribune's* findings.

In contrast, Hooks insisted that any consideration of the death penalty should be—but often is not—coupled with a broader analysis of prosecutorial misconduct throughout the criminal justice system. "We have to focus on injustice across the board to African-American and brown people," Hooks said. "The system is sick."

Kunkle acknowledged that "jailhouse snitch and flipper issues" need to be examined, but insisted that, in his 16 years at the Office of the Cook County State's Attorney, "I didn't know anybody who looked at race





to see if defendants were death-penalty eligible."

In response, Lyons, who has long acted as a defense attorney on death penalty cases, insisted that, unfortunately, in death penalty cases, race does matter. "The color of the defendant," Lyons said, "has everything to do with how you can talk to a judge."

Lyons further argued that defense attorneys must gain access to resources comparable to those of prosecutors. The Supreme Court ruling that "anyone who opposes the death penalty cannot sit on death penalty cases" also makes it more difficult for defendants to get a fair trial on the facts, she asserted.

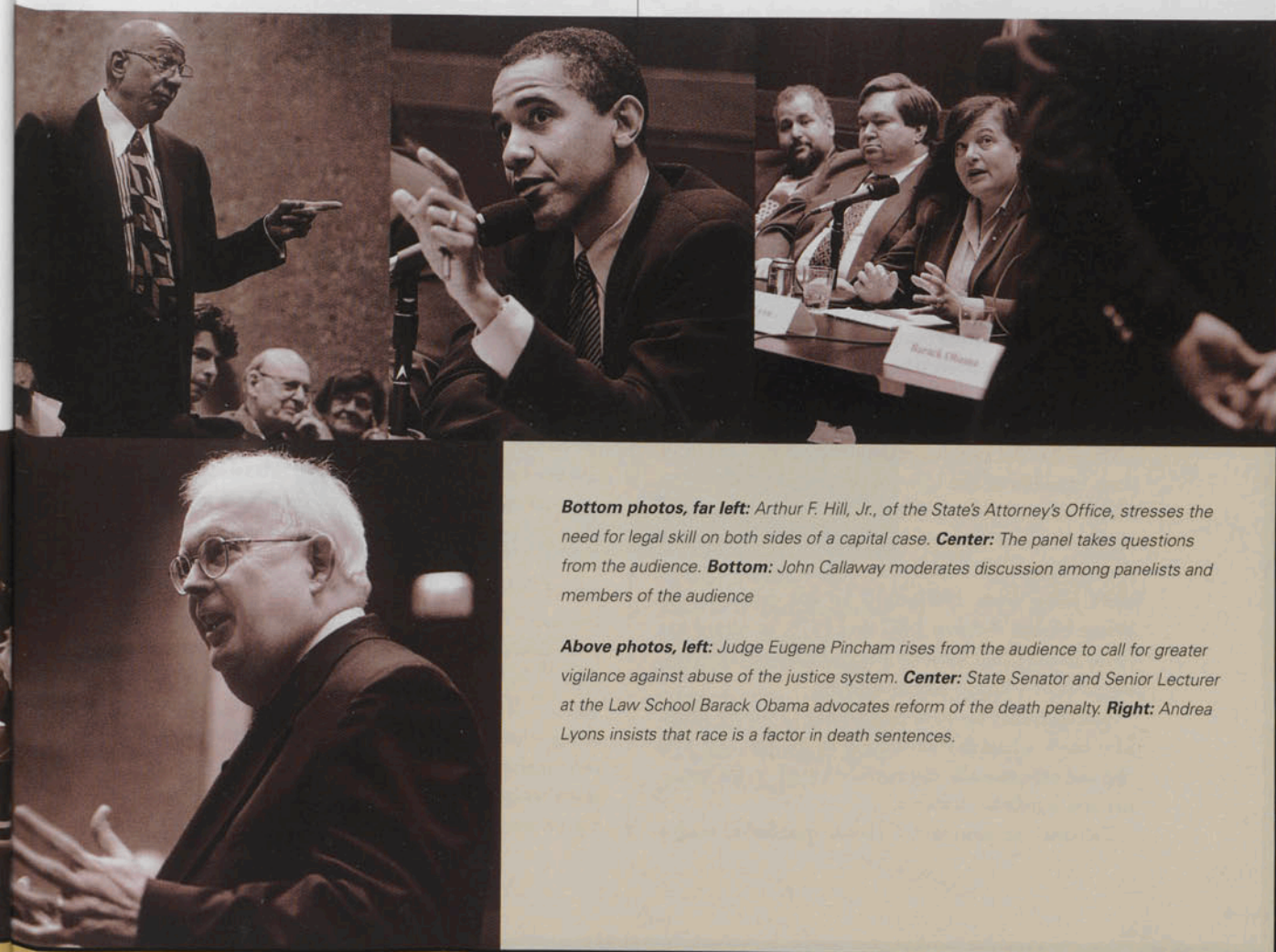
Obama concurred with Lyons's analysis, adding, "We have to look at ourselves and not just the judiciary in looking at this problem." The pro-death penalty attitudes of the Illinois electorate, he argued, shape possible responses in the state legislature.

"As long as we can argue that we are cleaning up the death penalty so that it works," Obama said, some reforms are possible. He therefore suggested that bipartisan support might potentially be gained for finding more resources for defense attorneys and for handling some of the technical legal issues that would help

defendants to get a fairer trial. But he said he considered abolition of the death penalty politically impossible at this time, despite his own belief that the legitimate desire for vengeance in murder cases is not outweighed by the possibility that "even one innocent person would be wrongly executed."

The evening ended with Callaway helping panelists field questions and comments from a diverse audience of city and suburban residents. From a seat in the center of the audience, Judge Eugene Pincham spoke against Cook County State's Attorney Richard Devine's resistance to appointing a special prosecutor to examine the State's Attorney's Office in light of the misconduct in the Cook County Sheriff's office.

Asked by Callaway whether he has any hope for the reform of the criminal justice system, Pincham asserted that "the hope is that these law students will make it what it ought to be."



**Bottom photos, far left:** Arthur F. Hill, Jr., of the State's Attorney's Office, stresses the need for legal skill on both sides of a capital case. **Center:** The panel takes questions from the audience. **Bottom:** John Callaway moderates discussion among panelists and members of the audience

**Above photos, left:** Judge Eugene Pincham rises from the audience to call for greater vigilance against abuse of the justice system. **Center:** State Senator and Senior Lecturer at the Law School Barack Obama advocates reform of the death penalty. **Right:** Andrea Lyons insists that race is a factor in death sentences.



# Faculty

News

## ABNER J. MIKVA, '51, Returns to the Law School



Abner Mikva

As Visiting Professor, Judge Abner Mikva will be in residence throughout the 2000-01 academic year and will teach a course on the Executive Branch in the spring quarter. Though he is modest about his student days (telling a *Phoenix* interviewer that his Law School memories include "the feeling that I was sure I was in over my head"), Mikva was editor in chief of the *Law Review* and a member of the Order of the Coif. After graduating, he clerked for Supreme

Court Justice Sherman Minton and then returned to Chicago to practice labor law in the firm of the late Supreme Court Justice Arthur Goldberg.

Mikva has the rare distinction of having served in all three branches of the U.S. government. He was White House counsel from 1994 to 1995. He was a judge on the Court of Appeals for the District of Columbia Circuit from 1979 to 1991. Mikva then served as chief judge from 1991 until he was called to the White House. Between 1967 and 1979, he served five terms in the U.S. House of Representatives, representing parts of Chicago and its suburbs.

Professor Cass Sunstein calls Mikva "a superb judge, who made a lasting contribution to the law, and who also did exceptionally distinguished work in the executive and legislative branches."

"No one," Sunstein says, "is better qualified to teach a

course on the executive branch. This should be a memorable event for every student lucky enough to take it."

Professor and former dean Douglas Baird has also praised Mikva, saying, "His work on the bench evidences not only his commitment to free speech and other civil liberties, but his acute awareness of the role of the judiciary under our Constitution and its relationship to both the executive and the legislative branches."

Mikva says that "an awful lot of law comes out of the executive branch. Much more than people realize." He wants his course to illuminate for students the growth of this executive branch lawmaking. He has also said that he is troubled by many recent developments relating to the presidency, including erosions of executive privilege, intrusions into the president's relationship with the Secret Service, and potential abuses of the right to bring suit against a sitting president. "I think that the consequences thus far, as far as the court decisions are concerned, are very, very bad."

However frustrating some of the outcomes may have been, Mikva still cherishes the democratic process, and he regrets that public service careers seem less appealing to students than they once did. He says that Dean Fischel asked him to join the faculty in part to help rekindle student interest in public service, which has a long and distinguished history at the Law School.

Government service is not just important to Mikva; it's extremely satisfying. He told an interviewer, "I look back on the things I've done, and I wouldn't trade any of them for all the tea in China. I can't think of any way you can spend your time and efforts and use your talents that is more satisfying in the long run than being active in government, being active in politics. . . . If you want to look back and say, 'I had fun doing what I was doing, I wasn't grinding away all the time making rich people richer or figuring out how many widgets I could make in an hour,' then politics is a great way to go. I had a lot of fun in all these years."

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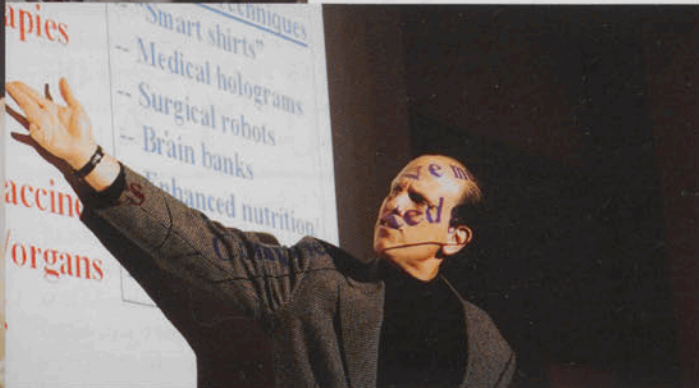
# T e a c h i n g ENTREPRENEURS

In his fall 1999 seminar on entrepreneurship, Senior Lecturer Andrew Rosenfield, '78, presented to his students practical and diverse topics on business start-ups, types of businesses, past and current economic success stories, and in-class presentations of revolutionary business leaders and entrepreneurs. Pictured on this page is a sampling of some of the illustrious presenters from Rosenfield's class.

*Below: John Rodkin, law-student-on-leave who recently sold his start-up Flyswat.com, on the need for speed: "We sprint because we don't know what's chasing us."*



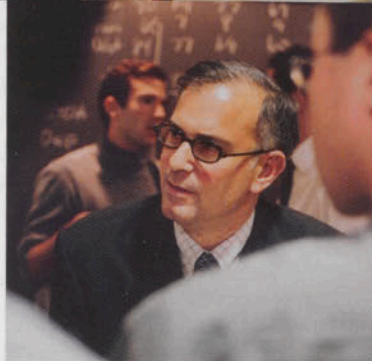
*Above: Hugh M. Patinkin, '75, chairman, president, and CEO of Whitehall Jewelers, Inc., on the impact of law education on business: "Chicago taught me what a leader requires—the ability to think creatively and communicate effectively."*



*Michael Milken, chairman of Knowledge Universe, on understanding macro-trends: "If you can know what things look strong but are weak, and what things that look weak are strong, then you have an advantage."*



*Nicholas J. Pritzker, '75, president of Hyatt Development Corporation, on competitive strategy: "Seek to act more quickly than others to occupy your space. A business is worth the space it can occupy against potential competitors."*



*Senior Lecturer Andrew Rosenfield, '78, CEO of UNext.com, on leadership: "You don't manage an entrepreneurial enterprise, you lead one. The quality of leadership is important because firm culture gets created early."*

*Daniel L. Doctoroff, '84 (left), managing partner of Oak Hill Capital Management, and Steven Koch, J.D./M.B.A. '82, vice chairman and co-head of mergers and acquisitions at Credit Suisse First Boston, on valuing start-ups: "There are two sides to the coin: 'Look, it's a hundred-dollar bill' and 'It can't be, someone would have picked it up.'"*



## PHILIP A. HAMBURGER

### Joins the Faculty



Philip Hamburger

Professor Philip Hamburger, a visiting professor last year from George Washington University, has joined the faculty. David Strauss, Chairman of the Appointments Committee, describes him as "a path-breaking scholar who is one of the most outstanding American legal historians of his generation."

He will teach legal history and trusts and estates.

Hamburger's book on the separation of church and state is soon to be published, and he has a work in progress on the Quakers and religious exemption in late 18th-century America. He won the Sutherland Prize, awarded each year for "the article deemed the most significant contribution to English legal history," for "Revolution and Judicial Review: Chief Justice Holt's Opinion in *City of London v. Wood*."

Before joining the Law School faculty, Hamburger was Oswald Symister Colclough Research Professor of Law at George Washington University. He graduated summa cum laude from Princeton, earned his J.D. at Yale, and then practiced at Schnader, Harrison, Segal & Lewis in Philadelphia. He has also taught at Northwestern University, the University of Connecticut, and the University of Virginia.

## Enhancements to CLINICAL LEGAL EDUCATION



Craig Futterman

To meet student demand, the Law School has expanded the clinical faculty and initiated an innovative clinical program. The Law School invited leading legal services attorneys to become lecturers in law, mentoring and involving students in public interest civil cases.

Assistant Clinical Professor of Law Craig Futterman joins the staff of the Mandel Legal Aid Clinic this year after one

year of teaching at Stanford University Law School. There he was a lecturer in law as well as director of the law school's Public Interest Program. He was also a manager of the East Palo Alto Community Law Project and gave his time to other community organizations.

Earlier, as a practicing civil rights attorney in the firm of Futterman & Howard in Chicago, Futterman specialized in police misconduct and anti-discrimination litigation, including cases challenging system-wide school discrimination and segregation. Before that, he was a trial attorney in the Juvenile Division at the Cook County Public Defender's office. Futterman will help create a police accountability project at the Law School.

Randolph Stone, director of the Mandel Legal Aid Clinic, praised Futterman, saying, "Craig Futterman brings a wealth of experience in state and federal litigation, a commitment to serving the poor, and a dedication to teaching students. He will be a leader in clinical legal education."

**Cook County Public Guardian Patrick Murphy** will lead a hands-on course for eight law students to give them "a feel for the practice of law, representing people who cannot effectively represent themselves." In this case, the clients will all be persons who, Murphy says, "are disabled by virtue of age or suffer from various forms of senile dementia."

Murphy, a Chicago native, worked construction jobs to pay his way through Loyola and then Northwestern Law School. He now supervises 160 lawyers who work daily with abused children, dysfunctional families, the elderly, and the mentally disabled. He is the author of *Our Kindly Parent the State and Wasted: The Plight of America's Unwanted Children*, as well as numerous articles. He has testified frequently before committees of the U.S. House of Representatives, the U.S. Senate, and state legislatures.

Though renowned as a tireless voice for society's least privileged members, Murphy also finds time to write novels. His first, *Drowning in Hot Water*, about a female Chicago police detective, has just recently been published. He has already finished the sequel and is now at work on his third book, which he describes as "film noir fiction."

In addition to direct guidance from Murphy himself, each student in his program will be assigned a lawyer/mentor from Murphy's staff, creating what Deputy Dean Beth Garrett describes as "a unique experience for our law students and the most vulnerable people in our community." Students will be responsible for the full range of legal services, including case research, client interviews and counseling, writing briefs and motions, and taking depositions.



Murphy says he looks forward to his work at the Law School. Having previously lectured on child welfare and senior law at Chicago-Kent College of Law, DePaul University, and Spertus Institute of Jewish Studies, he loves the Socratic method and stimulating interaction with students. He hopes to broaden the social consciousness of his students and perhaps recruit some full-time attorneys for his office.

**Legal Assistance Foundation of Chicago (LAF) attorneys Richard Wheelock and Lawrence Wood** will also be teaching at the clinic. Students will have the opportunity to engage the full range of issues affecting low-income and indigent residents of Cook County, working directly with Wheelock, Wood, and other LAF staff members. A particular focus will be the impact of the forced relocation of 14,000 residents of public housing from the many aging high-rise projects owned by the Chicago Housing Authority. Wheelock has served with the Legal Assistance Foundation since 1984. He earned his law degree from the University of Wisconsin after undergraduate studies at Middlebury College. Wood has been with the Legal Assistance Foundation since 1990. He received his B.A. from Connecticut College and his law degree from the State University of New York at Buffalo.

## Turning to the Top to Teach TRIAL ADVOCACY



David Bernick

With a new focus on teaching trial advocacy, top litigators David M. Bernick, '78, and Dan K. Webb will be teaching at the Law School this academic year.

Bernick is a partner in the Chicago office of Kirkland & Ellis. He has an extensive background as national trial counsel in mass tort litigation in state and federal courts, in areas that include tobacco cost recovery, holocaust labor, breast implants, and radiation exposure. He has also served as trial counsel in product liability, leveraged buyouts, trade secret misappropriation, RICO, and other types of cases. A member of the Law School Visiting Committee, he currently serves on the Judicial Conference Committee on the Rules of Practice and Procedure.

Webb has been a partner at Win-



Dan Webb

ston & Strawn since 1985, pursuing a national trial practice in the areas of major commercial, civil, regulatory, and white-collar criminal cases. He has tried more than 100 jury cases, including numerous successful commercial and white-collar criminal trials. In recent years, has tried complex commercial cases, representing large corporations in jury trials lasting two months or longer. As U.S. attorney in Chicago, he spearheaded the "Operation Greylord" investigations into judicial corruption in Cook County. He received national attention for his work as lead trial counsel for General Electric, successfully defending it against criminal price-fixing allegations in Ohio. Most recently, he has represented Philip Morris in litigation in Florida, Texas, and Washington.

According to Dean Daniel Fischel, the addition of Bernick and Webb "is one of the most exciting recent developments for our students. We are extremely fortunate to get two of the nation's leading trial lawyers to teach at the Law School."

## 2000-2001 Visiting FACULTY

The Law School has an outstanding group of visiting faculty once again this year. Professor Catharine MacKinnon will return to teach "Sex Equality" and "Women's Human Rights" in spring 2001. Professor Jose Zalaquett from the University of Chile will teach a course in "Human Rights Law in Latin America" this fall 2000. Professor Randall Kroszner of the Graduate School of Business will teach a seminar on "The Political Economy of the Regulation of Financial Institutions."

Professor Andrei Marmor of Tel Aviv University has agreed to return to the Law School for the next three years to teach "Introduction to Jurisprudence" and a series of seminars in legal philosophy. Professor Daryl Levinson of the University of Virginia Law School will visit in fall 2000; he is a leading young scholar in the law of the political process, remedies, voting rights, and criminal law. Professor Henry Manne, '52, one of the fathers of the modern Law and Economics movement, will teach a seminar focusing on insider trading in fall 2000. Carl Tham, the former secretary of labor for Sweden, will teach a course this fall 2000, "European Social Democratic Response to Globalization." Professor Volker Röben of the Max Planck Institute in Heidelberg will teach "European Law" in spring 2001.



## FACULTY SCHOLARSHIP, 1999–2000



**A-Cow-Demia:** Left to right, Professors Albert Alschuler, Martha Nussbaum, Richard Helmholz, William Landes, and Cass Sunstein pose with A-Cow-Demia, formerly part of the City of Chicago's Cows on Parade art exhibit. Nussbaum headed a group of 20 faculty members who pooled resources to purchase and donate the fiberglass cow to the Law School. A-Cow-Demia was created by students at the American Academy of Art in Chicago.

**Albert Alschuler**

Wilson-Dickinson Professor of Law and Arnold and Frieda Shure Scholar

"Criminal Justice," in *Common Law, Common Values, Common Rights*, American Bar Association, West Publishing (2000).

**Douglas G. Baird**

Harry A. Bigelow Distinguished Service Professor

"Boyd's Legacy and Blackstone's Ghost," 1999 *Supreme Court Review* 393 (with Robert K. Rasmussen).

"The Law and Economics of Contract Damages," in *Chicago Lectures in Law and Economics*, Eric A. Posner, ed., Foundation Press (2000).

**Lisa Bernstein**

Professor of Law

"The Secrecy Interest in Contract Law," 109 *Yale Law Journal* 1885 (April 2000) (with Omri Ben Shahrar).

**Emily Buss**

Assistant Professor of Law

"What Does Frieda Yoder Believe?" 2 *University of Pennsylvania Journal of Constitutional Law* 53 (1999).

"Too Young to be Rehabilitated? Comments on Lipsey's 'Can Rehabilitative Programs Reduce the Recidivism of Juvenile Offenders?'" 6 *Virginia Journal of Social Policy and the Law* 653 (1999).

"The Role of Lawyers in Promoting Juveniles' Competence as Defendants," in *Youth on Trial*, T. Grisso and R. Schwartz, eds. (2000).

"Doomed to Failure, A Child Welfare System That's in No One's Best Interest," *Chicago Tribune*, S 1, p. 21 (October 26, 1999).

"Court Is Moving in Wrong Direction on Parents' Rights," *Chicago Tribune* S1 p. 21 (June 7, 2000).

**Mary Anne Case**

Professor of Law

"Two Cheers for Cheerleading: The Noisy Integration of VMI and the Quiet Success of Virginia Women in Leadership," 1999 *University of Chicago Legal Forum* 347 (symposium issue on sex discrimination).

"Atlanta's Apples: The Values of Multiplicity," 19 *Quinnipiac Law Review* 243 (2000) (symposium issue on the works of Martha Nussbaum).

**David P. Currie**

Edward H. Levi Distinguished Service Professor and Arnold and Frieda Shure Scholar

"The Sunday Mails," 2 *Green Bag* 2d 361 (1999).

"God, Caesar & President Madison," 3 *Green Bag* 2d 11 (1999).

"Rumors of Wars: Presidential and Congressional War Powers, 1809–1829," 67 *University of Chicago Law Review* 1 (2000). All publications supported by Carl S. Lloyd Faculty Fund and the James H. Douglas Fund for the Study of Law and Government.

**Kenneth W. Dam**

Max Pam Professor of American and Foreign Law

"Intellectual Property and the Academic Enterprise," in *The Changing Character, Use, and Protection of Intellectual Property*, German American Academic Council Foundation (1999). Supported by the John M. Olin Foundation.

"Intellectual Property in an Age of Software and Biotechnology," in *Chicago Lectures in Law and Economics*, Eric

A. Posner, ed., Foundation Press (2000). Supported by the John M. Olin Foundation.

**Frank H. Easterbrook**

Senior Lecturer

"Cyberspace versus Property Law?" 4 *Texas Review of Law and Politics* 103 (1999).

"Does Antitrust Have a Comparative Advantage?" 23 *Harvard Journal of Law and Public Policy* 5 (1999).

Comments on "21st Century Federalism: A Tenth Amendment and Enumerated Powers Revival?" 1 *Engage* 60–67 (2000).

**Richard A. Epstein**

James Parker Hall Distinguished Service Professor of Law

"The Dangerous Claims of the Animal Rights Movement," 10 (No. 2) *The Responsive Community* 28 (2000).

"Liberty, Patriarchy, and Feminism," 1999 *University of Chicago Legal Forum* 89.

"Managed Care Under Siege," *Journal of Medicine and Philosophy* 434 (1999).

"Waste & the Dormant Commerce Clause," 3 *Green Bag* 2d 29 (August 1999).

"Confusion about Custom: Disentangling Informal Customs from Standard Contractual Provisions," 66 *University of Chicago Law Review* 821 (1999).

"Contracts Small and Contracts Large: Contract Law Through the Lens of Laissez-Faire," in *The Fall and Rise of Freedom of Contract*, F.H. Buckley, ed. (1999).

"The Next Rights Revolution?" 51 *National Review* 21 (November 8, 1999).

"Privacy, Please," 51 *National Review* 46 (September 27, 1999).

"Foreword: Entering and Excelling in Law School Teaching," in *Law School and Beyond: The IHS Guide to Careers in Legal Academia* (1999).

"Too Pragmatic by Half," Review of Daniel Farber, *Eco-Pragmatism: Making Sensible Environmental Decisions in an Uncertain World*, 109 *Yale Law Journal* 1639 (2000).

"Assault with Blunt History," Review of Garry Wills, *A Necessary Evil: A History of American Distrust of Government*, 32 *Reason* (May 2000).

"The Assault that Failed," Review of Barbara Fried, *The Progressive Assault on Laissez-Faire: Robert Hale and the First Law and Economics*



**Dewey Lecture:** Hilary Putnam, Cogan University Professor of Philosophy at Harvard University, delivered the John Dewey Lecture in Jurisprudence on March 28. Putnam's lecture was titled "Values and Norms: Can a Kantian Approach to Ethics Do Justice to Value Pluralism Without Falling into Relativism?" Putnam is pictured here at home with his cat.





**Animal Rights: Professor Cass Sunstein (right) discussed the question "Should Animals Have Rights?" at a lunchtime panel at the Law School on April 3 with Steven Wise, teacher of animal rights law at Harvard and author of *Rattling the Cage: Toward Legal Rights for Animals*.**

*Movement*, 97 *Michigan Law Review* 1697 (1999).

"Time Requirement to Become an Attorney Should Not Be Cut," *Los Angeles Daily Journal* (December 15, 1999).

"Visionaries Revisited (Hayek and Orwell)," *Chicago Sun-Times* (November 7, 1999).

"HMO Lawsuits: A Liability for Patients, Too," *The Wall Street Journal* (October 28, 1999).

"Microsoft, Macro Screwed," 51 *National Review* 23 (December 6, 1999).

"Law Suits Aimed at Guns Probably Won't Hit Crime," *The Wall Street Journal* (December 9, 1999).

"The University in the 21st Century," *ACCESS: Critical Perspectives on Cultural and Policy Studies in Education* 18 (2) (1999).

"Privacy, Publication, and the First Amendment: The Dangers of First Amendment Exceptionalism," 52 *Stanford Law Review* 1003 (2000).

*Property, Liberty, and the Law*, edited with general and chapter introductions, 5 Volumes, Garland Press (2000).

"Property Rights Claims of Indigenous Populations: The

View from the Common Law," 31 *University of Toledo Law Review* 1 (1999).

### **Daniel R. Fischel**

Dean and Lee and Brena Freeman Professor of Law and Business

"Governmental Liability for Breach of Contract," *American Law and Economics Review* V1 N1/2 (1999) (with Alan O. Sykes).

"Multidisciplinary Practice," 55 *The Business Lawyer* 951 (2000).

### **Elizabeth Garrett**

Professor of Law and Deputy Dean for Academic Affairs

*Legislation and Statutory Interpretation*, (Foundation's Concepts and Insights Series 2000) (with William N. Eskridge, Jr., and Philip P. Frickey). Supported by the James H. Douglas, Jr., Fund for the Study of Law and Government.

"The Law and Economics of 'Informed Voter' Ballot Notations," 85 *Virginia Law Review* 1533 (Symposium Issue 1999). Supported by the James H. Douglas, Jr., Fund for the Study of Law and Government.

Entry on "Term Limits" in Supplement II of the *Encyclopedia of the American Constitution*, Levy, Karst & Winkler, eds. (2000).

"Legal Scholarship in the Age of Legislation," 34 *Tulsa Law Journal* 679 (1999).

Supported by the Robert B. Roesing Faculty Fund and the Unrestricted Faculty Fund.

### **Jack Goldsmith**

Professor of Law

"Sovereignty, International Law, and International Relations Theory," 52 *Stanford*

*Law Review* 959 (April 2000). Supported by the George J. Phocas Fund.

"Unilateral Regulation of the Internet: A Modest Defense," 11 *European Journal of International Law* 135 (2000). Supported by the George J. Phocas Fund.

"Understanding the Resemblance between Modern and Traditional Customary International Law," 40 *Virginia Journal of International Law* 639 (2000) (with Eric Posner). Supported by the George J. Phocas Fund.

"Seattle and Sovereignty," *The Wall Street Journal* (December 6, 1999) (with John Yoo).

"Pinochet, Head-of-State Immunity, and International Human Rights Litigation in U.S. Courts," 97 *Michigan Law Review* 2129 (1999) (with Curtis Bradley). Supported by the George J. Phocas Fund.

"A Theory of Customary International Law," 66 *University of Chicago Law Review* 1113 (1999) (with Eric Posner). Supported by the George J. Phocas Fund.

"The New Formalism in United States Foreign Relations Law," 70 *Colorado Law Review* 1395 (1999). Supported by the George J. Phocas Fund.

### **Jill Elaine Hasday**

Assistant Professor of Law

"Contest and Consent: A Legal History of Marital Rape," *University of Chicago Occasional Paper* 41 (2000).

### **R. H. Helmholz**

Ruth Wyatt Rosenson Distinguished Service Professor and Arnold and Frieda Shure Scholar

"Harboring Sexual Offenders: Ecclesiastical Courts

and Controlling Misbehavior," 37 *Journal of British Studies* 258 (1998).

"The Canon Law," in *Cambridge History of the Book in Britain*, Lotte Hellinga and J. B. Trapp, eds., Volume III 1400-1557, 387 (Cambridge University Press 1999).

Review of Giovanni Chiodi, *L'interpretazione del testamento nel pensiero dei Glossatori*, 116 *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kan. Abt.*, 570 (1999).

Review of A. K. McHardy, *Royal Writs Addressed to John Buckingham, Bishop of Lincoln, 1363-1398*, *Lincoln Register* 12B, 20 *Journal of Legal History* 137 (1999).

Review of Robert Somerville and Bruce Brasington, *Prefaces to Canon Law Books in Latin Christianity: Selected Translations, 500-1245*, 18 *Law and History Review* 460 (2000).

### **Joseph Isenbergh**

Seymour Logan Professor of Law

*International Taxation*, Foundation Press (2000).

*International Taxation: Taxation of Foreign Persons and Foreign Income*, 2000 Supplement 2 to 2d edition, Aspen Law and Business (2000).

"Impeachment and Presidential Immunity from Judicial Process," 18 *Yale Law & Policy Review* 52 (1999).

### **William M. Landes**

Clifton R. Musser Professor of Law and Economics

"Citations, Age, Fame, and the Web," 29 *Journal of Legal Studies* 319 (January 2000) (with Richard Posner).

"Introduction to Symposium on Interpreting Legal Citations," 29 *Journal of Legal Studies* 317 (January 2000).

"Winning the Art Lottery: The Economic Returns to the Ganz Collection," *Recherches Economiques de Louvain* (June 2000).

### **Saul Levmore**

William B. Graham Professor of Law

"Changes, Anticipations, and Reparations," 99 *Columbia Law Review* 1657 (1999).

"Social Programs and Manageable Units," 8 *Journal of Gender, Social Policy and the Law* 103 (2000).

### **Douglas Lichtman**

Assistant Professor of Law

"Property Rights in Emerging Platform Technologies," 29 *Journal of Legal Studies* 615 (June 2000).

"Anonymity a Double-Edged Sword for Pirates Online," *Chicago Tribune* (April 13, 2000).

### **Lyonette Louis-Jacques**

Foreign and International Law Librarian and Lecturer in Law

Review of Rachel Morris & Luke Clements, eds., *Gaining Ground: Law Reform for Gypsies and Travellers*, University of Hertfordshire Press (1999) 32 *Law Librarian* 63 (2000).

Review of Michael Grubb, Christiaan Vrolijk, & Duncan Brack, *The Kyoto Protocol: A Guide and Assessment*, Royal Institute of International Affairs; Kogan Page; Earthscan Publications Limited (1999) *European Information* No. 8 (October 1999).

Review of Stanislaw Frankowski, ed., *Legal Responses to AIDS in Comparative Perspective*, The Hague; Kluwer Law International, (1998). ISBN 9041110372. 419 p., 28 *International Journal of Legal Information*.





**Orwell:** In honor of the 50th anniversary of the publication of George Orwell's novel *1984*, the Law School hosted an interdisciplinary conference on "1984: Orwell and Our Future." The panel above discussed Orwell and the regulation of information and privacy. From left to right: University of Chicago Professor of Law and Conference Co-chair Jack Goldsmith; Edward Herman, Professor Emeritus of Finance, from the University of Pennsylvania; Richard Posner, Chief Judge U.S. Court of Appeals; scientist and author David Brin; Lawrence Lessig, Professor of Law, now at Stanford.

"Finding Foreign Law Online When Going Global," <<http://www.lib.uchicago.edu/~llou/global.html>> (October 27, 1999).

"Gaps in International Legal Literature," 1 *Chicago Journal of International Law* 101-108 (2000).

"International Calendar," published quarterly in the *International Journal of Legal Information*, v. 27, No. 3 (winter 1999), at 467-474; v. 28, No. 1 (spring 2000) at 167-179; v. 28, No. 2.

"International Corporate Governance: Internet Links," <<http://www.lib.uchicago.edu/~llou/corpgov.html>> (April 5, 2000).

"Lists for Law Professors" in *Techniques for Teaching Law*, Gerald F. Hess & Steven Friedland, eds. 187-192, Carolina Academic Press (1999).

"Researching International Intellectual Property Law: Internet Links," <<http://www.lib.uchicago.edu/~llou/intlip.html>> (February 4, 2000).

### Andrei Marmor

Visiting Professor of Law

"Legal Conventionalism," *Legal Theory* Vol. 4 (1998).

"The Separation Thesis and The Limits of Interpretation," 12 *Canadian Journal of Law and Jurisprudence* 135 (1999).

### Tracey L. Meares

Professor of Law

"Adolescence, Context, and Culpability: Some Thoughts on the Next Essay," 6 *Virginia Journal of Social Policy and the Law* 583 (1999).

### Martha C. Nussbaum

Ernst Freund Distinguished Service Professor of Law and Ethics

"Précis of The Therapy of Desire" and "Reply to Papers in Symposium on Nussbaum, The Therapy of Desire," *Philosophy and Phenomenological Research* 59 (1999).

"Virtue Ethics: A Misleading Category?" *The Journal of Ethics* 3 (1999).

"Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," *Journal of Political Philosophy* 7 (1999).

"Invisibility and Recognition: Sophocles' Philoctetes and Ellison's Invisible Man," *Philosophy and Literature* 23 (1999).

"Capabilities, Human Rights, and the Universal Declaration," reprinted in a revised version in *The Future of International Human Rights*, Burns H. Weston and Stephen P. Marks, eds., Transnational Publishers (1999).

"Aristotle in the Workplace" (interview with Michael Malone), in *A Parliament of Minds: Philosophy for a New*

*Millennium*, Michael J. Tobias, J. Patrick Fitzgerald, and David Rotherberg, eds., SUNY Press (2000).

"Women and Equality: The Capabilities Approach," *International Labour Review* 138 (1999). Also published in Spanish and French. Reprinted with revisions in *The Little Magazine* (New Delhi, India), v. 1 No. 1 (May 2000), pp. 26-37.

"Beautiful as a Free Human Mind: Women, Human Development, and the Spirit of Santiniketan," *Sreeoshi* (fall 1999).

"Secret Sewers of Vice: Disgust, Bodies, and the Law," in *The Passions of Law*, Susan A. Bandes, ed., New York University Press (1999).

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### Randal C. Picker

Paul H. Leffmann Professor of Commercial Law

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Professor of Law

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#### **Richard A. Posner** Senior Lecturer

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#### **Julie A. Roin**

Professor of Law

"Reconceptualizing Unfunded Mandates and Other Regulations," 93 *Northwestern University Law Review* 351 (1999).

#### **Gerald Rosenberg**

Associate Professor, Department of Political Science and the College, and Lecturer in Law

"Across the Great Divide (Between Law and Political Science)," 3 *Green Bag* 2d 267 (2000).

#### **Andrew M. Rosenfield**

Senior Lecturer

"How Real Options Lead to Better Decisions," *Financial Times* (October 25, 1999) (with Robert Gertner).

#### **Stephen J. Schulhofer**

Julius Kreeger Professor of Law and Criminology and Director, Center for Studies in Criminal Justice

"A Road Map for the Consummate Traveller: The American Law of Sentencing," in *Rede in Recht: Liber Amicorum Nico Keijzer*, G.J.M. Corstens & M.S. Groenhuijsen, eds., Gouda Quint (2000).

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#### **Geoffrey R. Stone**

Provost and Harry Kalven, Jr., Distinguished Service Professor of Law

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#### **Randolph N. Stone**

Clinical Professor of Law and Director, Mandel Legal Aid Clinic

"Atticus Finch, In Context," 97 *Michigan Law Review* 1378 (1999).

#### **David A. Strauss**

Harry N. Wyatt Professor of Law, Russell Baker Scholar, and Director, Legal Theory Program

"First Amendment Entitlements and Government Motives," 93 *Northwestern University Law Review* 1205 (1999).

"Corruption, Equality, and Campaign Finance Reform," in *The Constitution and Campaign Finance Reform*, Frederick G. Slabach, ed., Carolina Academic Press (1999).

#### **Cass R. Sunstein**

Karl N. Llewellyn Distinguished Service Professor of Jurisprudence

*The First Amendment*, 2000 Supplement, Aspen Publishers (2000) (with Louis Seidman, Geoffrey R. Stone, and Mark Tushnet).

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"Situationism," Review of Malcolm Gladwell, *The Tipping Point: How Little Things Can Make a Difference*, 222 *The New Republic* 44 (March 13, 2000).

"The Chimps' Day in Court," Review of Stephen M. Wise, *Rattling the Cage: Toward Legal Rights for Animals*, *The*



**Brennan:** The Brennan Center for Justice held its symposium, "The Mission of Public Cultural Institutions," on March 30. Left to right: Panel participant University of Chicago Provost Geoffrey R. Stone, Law Professor David A. Strauss, and panel participants University of Michigan President Lee C. Bolinger and W. St. Garwood Regents Chair in Law at the University of Texas Law School Sanford Levinson.





**Fulton Lecture:** Jack Rakove, Coe Professor of History at Stanford University (left), on May 17 delivered the Maurice and Muriel Fulton Lecture, "A Tale of Two Confederations: the Iroquois, the Americans, and the Origins of a Constitutional Dilemma." Rakove stands with Barbara Fulton Sideman, daughter of Maurice and Muriel Fulton, and Dean Daniel Fischel outside the Weymouth Kirkland Courtroom at a reception following the lecture.

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*Clones y Clones: Hechos y Fantasías sobre La Clonación Humana*, Catedra (2000) (Japanese translation published 2000) (with Martha C. Nussbaum).

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"Is the Clean Air Act Unconstitutional?" 98 *Michigan Law Review* 303 (1999).

"Professors and Politics," 148 *University of Pennsylvania Law Review* 191 (1999).

"Second-Order Decisions," 110 *Ethics* 5 (1999) (with Edna Ullman-Margalit).

"From Consumer Sovereignty to Cost-Benefit Analysis: An Incompletely Theorized Agreement?" 23 *Harvard Journal of Law and Public Policy* 203 (1999).

### Alan O. Sykes

Frank and Bernice Greenberg Professor of Law

"International Trade," in *Encyclopedia of Law and Economics*, Vol. 3 1114, Boudewijn Bouckaert and Gerrit De Geest, eds., Kluwer International (2000).

"Regulatory Competition or Regulatory Harmonization: A Silly Question?" 3 *Journal of International Economic Law* 257 (2000).

"Governmental Liability for Breach of Contract," 1 *American Law and Economics Review* 313 (1999) (with Daniel R. Fischel).

"Externalities in Open Economy Antitrust and Their Implications for International Competition Policy," 23 *Harvard Journal of Law and Public Policy* 89 (1999).

Review of *Fair Trade and Harmonization: Prerequisites for Free Trade?*, Bhagwati & Hudec, 7 *Review of International Economics* 769 (1999).

### George G. Triantis

Professor of Law

"Financial Slack Policy and the Laws of Secured Transactions," 29 *Journal of Legal Studies* 35 (2000).

"Comment on Daniels and Iacobucci: Some of the Causes and Consequences of Corporate Ownership Concentration in Canada," in *Concentrated Corporate Ownership*, R. K. Morck, ed., University of Chicago Press (2000).

"Stock Pyramids, Cross-Ownership, and Dual Class Equity: The Creation and Agency Costs of Separating Control from Cash Flow Rights," in *Concentrated Corporate Ownership*, R. K. Morck, ed., University of Chicago Press (2000) (with L. Bebchuk and R. Kraakman).

### Adrian Vermeule

Assistant Professor of Law

"Interpretive Choice," 75 *New York University Law Review* 74 (2000).

"Hercules, Herbert, and Amar: The Trouble with Intratextualism," 113 *Harvard Law Review* 730 (2000) (with Ernest A. Young).

"Interpretation, Empiricism, and the Closure Problem," 66 *University of Chicago Law Review* 698 (1999).

### David A. Weisbach

Associate Professor of Law

"Ironing Out the Flat Tax," 52 *Stanford Law Review* 599 (2000).

"An Efficiency Analysis of Line Drawing in Tax Law," 29 *Journal of Legal Studies* 71 (2000).

"Formalism in the Tax Law," 66 *Chicago Law Review* 860 (1999).

"A Partial Mark-to-Market Tax System," 53 *Tax Law Review* 95 (1999).

"Line Drawing, Doctrine, and Efficiency in the Tax Law," 84 *Cornell Law Review* 1627 (1999).

"Implications of Implicit Taxes," Review of Charlotte Crane, *Some Explicit Thinking about Implicit Taxes*, 52 *SMU Law Review* 373 (1999).

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### Diane P. Wood

Senior Lecturer

"International Law and Federalism: What is the Reach of Regulation?" 23 *Harvard Journal of Law & Public Policy* 97 (1999).

"Sex Discrimination in Life and Law," 1999 *University of Chicago Legal Forum* 1.

"Diffusion and Focus in International Legal Scholarship," 1 *Chicago Journal of International Law* 141 (2000).

### Significant Achievements Related to the Clinical Programs

#### Locke Bowman

Anthony Ceriale, Special Administrator of the Estate of Michael Ceriale v. Smith & Wesson Corp., et al., No. 99 L 5628 (Cir. Ct. Cook County Nov. 30, 1999). One of the first decisions in the nation holding that a private party injured by handgun violence may sue the manufacturer of the handgun for public nuisance on the theory that the manufacturer's unreasonable distribution and marketing practices cause handguns to be widely available to juveniles in violation of state and local law.

#### Mark J. Heyrman

*C.J. v. Department of Human Services*, 96 C0 80 (Cir. Ct. Cook County. Nov. 8, 1999) Injunctive relief granted on behalf of a class of more than 100 persons confined at Elgin Mental Health Center requiring that the staff of that facility exercise its professional judgment on an individual basis to determine whether each member of the class may be allowed to be on the grounds of the facility without escort.

House Bill 3548/Senate Bill 1508. (Passed both houses of the Illinois Legislature unanimously. Awaiting action by Governor Ryan.) These Bills make numerous changes to the Mental Health and Developmental Disabilities Code designed both to streamline and improve the results of court hearings and related procedures for ordering commitment to mental health facilities, involuntary medication, and the involuntary administration of electroconvulsive therapy.



**Sachs:** On October 18, 1999, Lunch & Lecture at the Law School had the honor of presenting Justice Albie Sachs, a member of the South African Constitutional Court and former leader of the anti-apartheid movement. Sachs spoke passionately about his involvement with South Africa's Truth and Reconciliation Commission and the development of a new constitution.



# MEDIA SIGHTINGS, 1999-2000

## October 1999

### Is this why we left the Big 10?

The *Chicago Tribune* quoted Professor Douglas Baird commenting on Ohio State University's registration of the trademarks "Beat Michigan" and "Beat Michigan Again": "Silly, petty, and mean-spirited."

## November 1999

### "Doomed to failure."

Assistant Professor Emily Buss made this judgment in a *Chicago Tribune* op-ed piece on the efforts of the child-welfare system to balance the rights of natural parents, foster parents, and children.

### Animal rights and wrongs.

In a *National Review* essay, Professor Richard Epstein analyzed the arguments surrounding the animal rights movement. He concluded, "We have quite enough difficulty in persuading or coercing human beings to respect the rights of their fellow humans, so that all can live in peace. By treating animals as our moral equals, we would undermine the liberty and dignity of human beings."

### Multidisciplinary lawyers coming soon.

Professor Randal Picker was quoted in *U.S. News & World Report* on the growing trend for accounting, consulting, and investment banking firms to offer a broad mix of professional services: Lawyers who partner with investment bankers will make "gobs and gobs of money," he predicted. In the *Chicago Lawyer*, Assistant Dean of Career Services Jennifer Sacon noted

that, "For some, the alternative compensation structures are attractive. There is a perception that one would have more control of one's life working for one of these companies."

### Nussbaum considers all things.

On NPR's "All Things Considered," Professor Martha Nussbaum said that easy explanations for homophobia that blame the religious right were simplistic and ignored current religious debates on this issue and the effects of other cultural factors.

### Epstein, Hayek, and Orwell.

Epstein, in a *Chicago Sun-Times* op-ed piece, examined how the two authors expressed a generation's anxiety in two distinctive voices.

### Nussbaum at the Corcoran.

Nussbaum was included in an exhibit at Washington's Corcoran Gallery of photos from the book *Women* by Annie Liebowitz.

### Who needs philosophy?

The *New York Times* used this headline for a long profile of Nussbaum and noted the appropriateness of her Law School role, because it was "a contentious institution that has produced some of the most brilliant legal theorists and judges in the country."

### Miranda reconsidered.

Professor Stephen Schulhofer was quoted in the *Chicago Tribune* in defense of the standards set by the rule: "When the Supreme Court invited states and Congress to establish their own safeguards, it emphasized that those safeguards had to be as effective as the famous warnings."

### Obama in an expensive race.

*Crain's Chicago Business* noted that Senior Lecturer and Illinois State Senator Barack Obama was a highly effective fundraiser for his upcoming challenge to incumbent U.S. Representative Bobby Rush. (However, Rush ended up the victor.)

### The WTO.

Professor Alan Sykes, in the *National Journal* on the eve of the Seattle World Trade Organization sessions, pointed out that "countries which do not wish to obey World Trade Organization rulings can always just pay a penalty."

### Post-Seattle pondering.

Professors Jack Goldsmith and John Yoo (Berkeley) concluded in the *Wall Street Journal*, "If anything threatens to undermine American democratic institutions, it is not the WTO, but the plethora of international organizations and agreements devoted to causes of the left."

### How Coase made good use of Nobel money.

The *New York Times* noted that Professor Emeritus Ronald Coase, winner of a 1991 Nobel Prize for his work on transaction costs,

prudently invested in a mutual fund to triple his prize money and planned to use the \$2.4 million to fund empirical economics research.

## January 2000

### Lawyers of the Century.

Four Chicago faculty members (Karl Llewellyn, Soia Mentschikoff, Catharine MacKinnon, and Richard Posner) were given this honor by *American Lawyer* magazine, while the *Journal of Legal Studies* noted that Judge Posner is the most-cited legal scholar, by a very wide margin.

### Is big bad?

Picker and Epstein were cited in numerous publications for comments on the Time Warner-AOL merger. Said Epstein, "I'm not so sure I'm pleased about this, but, my God, you don't have to be big to be pesky in this business." Picker said, "The merger suggests that the real competitive space is much broader than the personal computer."

### Sunstein on the Supreme Court.

Professor Cass Sunstein, in the *Washington Post*, was quoted in an analysis of the Rehnquist Court approving the Court's "minimalist" trend, saying "the court should usually decide only one case at time, rather than trying to resolve larger issues that people are still divided on."

### Epstein vs. Lessig.

In the Microsoft online magazine *Slate*, Epstein took on Professor Lawrence Lessig of Harvard (formerly of Chicago, and now of Stanford) in a lengthy debate about cyberlaw.

### Nussbaum in India.

The *Hindu* of New Delhi reported on Nussbaum's speech to a conference to commemorate the 50 years of the Indian Republic, noting that Nussbaum drew attention to "the radical egalitarian strand of liberal constitutionalism and its beneficial use in the United States and even by the Indian judiciary."

### Anti-gang loitering.

Schulhofer's remarks to the Chicago City Council were quoted by the *Chicago Tribune*. Schulhofer warned that "police sweeps under the proposed ordinance could turn innocent teens into gang members." Professor Tracey Meares also testified before the council, but in support of the proposal.

### Bhabha on alien children.

The *Chicago Tribune* quoted the comments of Lecturer in Law Jacqueline Bhabha on the Elian Gonzalez case and its implications for the rights of unaccompanied alien children.

### "Shockingly improper."

Professor Albert Alschuler used these words in the Chicago media to describe the conflict of interest when a suburban police department appointed a lawyer to investigate charges of racial profiling against that police department.



# SCHULHOFER AND MIRANDA



Stephen Schulhofer

The Miranda warning—"You have the right to remain silent . . ."—came under scrutiny when *Dickerson v. United States* was argued before the Supreme Court earlier this year.

Professor Stephen J. Schulhofer, who has written and lectured extensively on the Miranda decision and its impact on the criminal justice system, co-authored an ACLU amicus brief favoring retention of the warning and was widely cited in media reports about the case. Among other things, he called the Fourth Circuit's ruling in the case—which honored a 1968

federal statute making confessions admissible if they are voluntarily given, regardless of whether the warning has been issued—"an extraordinary act of judicial buck-passing" and "the most surprising and ill-considered instance of 'judicial activism' in recent memory."

The Supreme Court's 7-2 ruling in June, reversing the Fourth Circuit and upholding the constitutional status of the warning, vindicated Schulhofer's positions. In one commentator's phrase, the Supreme Court "handed the Fourth Circuit their heads" with its decision. Chief Justice William Rehnquist wrote the majority decision, in which he said, "Miranda, being a constitutional decision of this Court, may not be in effect overruled by an Act of Congress, and we decline to overrule Miranda ourselves."

Schulhofer had argued that a voluntariness test for the admissibility of self-incriminating statements would return the law to the very situation that Miranda had to resolve in the first place, with courts, police, and citizens unclear about what constitutes satisfactory protection of constitutional rights.

He said *Dickerson* had to be decided on the basis of the Court's fundamental recognition in *Miranda*, that a person in police custody experiences powerful pressure to answer questions, pressure that police interrogation methods are likely to exploit. The heart of the *Miranda* decision is, therefore, as much in the requirement that all questioning must cease once a suspect has invoked the right to remain silent as it is in the issuance of the warning itself. "The warning protects citizens from compulsion not only by making them aware of their rights," Schulhofer explained, "but also by assuring them that the police are going to respect those rights."

Critics of the warning maintained that it impedes the search for wrongdoers and too often allows the guilty to go free. Schulhofer has conducted and published extensive research showing that such is not the case. "The detectable harm to law enforcement from following *Miranda* is virtually zero," he said.

## The courtroom is the star.

NBC's "Dateline" used the Weymouth Kirkland Courtroom as the visual background for a report by Josh Mankiewicz on a Chicago criminal investigation and a later report by Rob Stafford.

## Inner-city policing.

Northeast Public Radio's "Law Show" interviewed Meares, whose book presented the pros and cons of community policing.

## Equal protection includes equal water fees.

The Associated Press quoted Epstein for legal context on a Supreme Court case of a Chicago-area woman suing her city for special water connection fees.

## February 2000

### Sensation.

*The New York Times* covered a Chicago conference that examined the relationship between the arts and society in the wake of the notorious "Sensation" show at the Brooklyn Museum of Art. Professor David Strauss provided a caution that those who promote controversial art could not rely on the "false promise" of the First Amendment for blanket protection against government decisions to control exhibitions.

## The burdens in mental health.

*The Chicago Sun-Times* quoted Clinical Professor Mark Heyrman, who opposed a shift in the burden of proof in insanity cases from prosecutors to health care facilities, noting "it will make it extremely difficult to release persons found not guilty by reason of insanity."

## Coldhearted vs. soft-headed?

*The New York Times* reported on the intellectual feud between two legal giants: Richard Posner and New York University Law School Professor Ronald Dworkin. Dworkin had denounced Posner's book on the Clinton scandal as "an abomination," while Posner carefully stated, "I think Dworkin is a mild-mannered person who goes overboard when he has a pen in his hand."

## Bhabha on asylum.

Bhabha, on National Public Radio, discussed the legal position of the Afghani hijackers claiming asylum in Britain, advising that "despite political pressure from the tabloid press, the Home Secretary has an obligation to consider each case on the merits rather than implementing a blanket return policy."

## Insanity on trial.

Heyrman was interviewed on WBEZ Radio's "Odyssey" program to explain the use of the insanity defense in criminal trials.

## Reporters barred behind bars.

*The Chicago Sun-Times* covered the story of the *Chicago Reader* reporter, who was strip-searched at Cook County Jail and is now barred from the premises. The paper quoted Lecturer in Law Locke Bowman, MacArthur Justice Center, who is defending the journalist.



### Thinning the ranks.

The *Chicago Daily Law Journal* and *American Lawyer* Media News Service interviewed former Associate Dean Alison Cooper for reaction to Chicago-Kent Law School's decision to reduce enrollment by 50 percent.

### Who owns all the stuff on the Internet?

*Prism* magazine, a professional journal for engineering educators, interviewed Assistant Professor Doug Lichtman on the impact of the Internet on intellectual property law.

### Driving under the Influence.

The *Chicago Tribune* quoted Alschuler for criminal law context on the case of a Joliet pedestrian killed by a DUI driver with a suspended license.

### March 2000

#### Illinois waking up.

Lecturer in Law Gerald Rosenberg, in *Chicago Lawyer*, analyzed the pressures for financing in elections for the Illinois Supreme Court and noted that "Illinois has been somewhat sleepy in getting into big money judicial races."

#### Animals pro and con.

The contrasting opinions on animals' rights of Sunstein and Epstein were used as part of a lengthy examination of animal rights by the *Chicago Sun-Times*. Both have written on this issue.

### Faculty to the high court.

The PBS "News Hour" speculated that possible nominees in a George W. Bush administration would include Senior Lecturer and Judge Frank Easterbrook, while an Al Gore administration might pick Senior Lecturer and Judge Diane Wood.

### April 2000

#### Goldsmith on spam.

Professor Jack Goldsmith was quoted in the *New York Times* on the proliferation of spam and predicted the courts will reject commerce clause arguments that states cannot regulate Internet activity.

#### Picker on B2B.

In a *Chicago Tribune* article, Picker focused on potential antitrust enforcement against retailers doing business on the Internet.

#### Lichtman on pirates.

In a *Chicago Tribune* op-ed, Lichtman suggested a novel method to combat music piracy through the use of random decoy files.

#### Alschuler on criminal procedure.

Alschuler was widely quoted in the national media on recent criminal procedure decisions by the U.S. Supreme Court. Alschuler characterized restrictions on the authority of the police to stop and question individuals as "sensible restrictions" on police powers.

#### Anti-gangs.

WBEZ Radio's "Chicago Matters" series included a program on anti-gang loitering, in which Meares participated.

#### Bhabha on children and immigration.

Bhabha was quoted in the *Chicago Tribune* on the Elian Gonzalez case, in which she urges courts to focus on "Who speaks for the child?"

#### Cyber school.

The *Chicago Sun-Times* and *Newsweek* reported on Senior Lecturer Andrew Rosenfield's new Internet university, Cardean, a subsidiary of his distance learning company, U-Next. Cardean taps faculty from top schools to create courses on the Web.

### Brokering a peace.

*Newsweek* reported on Posner's handling of the Microsoft arbitration, including laudatory quotes from faculty colleagues Dean Daniel Fischel and Picker, who note Posner's critical role in the development of "Chicago School" Law and Economics theory.

### May 2000

#### Law School leadership.

The *Chicago Daily Law Bulletin* published a lengthy interview with Dean Fischel, in which he emphasized the Law School's extraordinary heritage and outlined current curriculum and other initiatives.

#### Miranda yes or no.

Bigelow Fellow Eric Claeys appeared on a "Chicago Tonight" panel and made the case for abolishing the Miranda Rule.

#### Surfing Security.

Anchorman Alan Krashesky of WLS-TV ran a two-part series on Internet privacy that included an interview with Lichtman.

### June 2000

#### Social Security Bush-style.

Associate Professor David Weisbach joined two Northwestern faculty members on WBEZ Radio's "Odyssey" program to discuss the merits of George W. Bush's Social Security proposals.

#### Why can't Grandpa come?

Buss's op-ed on the Supreme Court decision denying grandparents visitation rights was published in the *Chicago Tribune*.

# CHICAGO VOICES IN THE MICROSOFT SAGA

### November 1999:

Senior Lecturer and Judge Richard Posner is appointed as mediator in *U.S. v. Microsoft*. Though he honors his vow of silence regarding the case, Posner nonetheless achieves the unique distinction of being both the world's most-cited legal scholar (see page 8) and the year's most-sighted faculty member, garnering no fewer than 1,594 media mentions in connection with the Microsoft litigation. He has been featured in virtually every print, television, and radio outlet in the United States.

### December 1999 through May 2000:

Professor Randal Picker, cyberlaw expert and former clerk to Judge Posner; business law expert Professor Alan Sykes; Dean Daniel Fischel; and Deputy Dean Elizabeth Garrett, among other faculty, responded to a stream of media inquiries, interviews, and radio and TV appearances, including *Newsweek*, Reuters, the *Wall Street Journal*, the *New York Times*, PBS Nightly Business Report, NPR, the Associated Press, and numerous Internet news services.

Richard Posner



### July 2000

On "All Things Considered," NPR's Nina Totenberg interviewed Professor David Strauss for perspective on the recently closed Supreme Court session.

### September 2000

For their \$745 million verdict in the rape-as-genocide case (see page 16), visiting faculty member Catharine A. MacKinnon and her co-counsel were cited as "Litigators of the Month" by the *National Law Journal*.



# Books

## and Journals

### Books by Faculty

**David P. Currie**

**Federal Jurisdiction  
in a Nutshell  
(4th ed.)**

*West Group, 1999*

This edition updates the lectures that formed the foundation of the first *Nutshell*, which explored the law governing the powers of the federal court. The volume is meant to help students recapture the essence of the governing law and to stimulate thinking about the proper role of federal courts in the federal system.

**Federal  
Jurisdiction**



**Richard A. Epstein**

**Cases &  
Materials on  
Torts (7th ed.)**

*Panel Publishers, 2000*

The mere mention of torts is guaranteed to induce groans from ILs, but Epstein's *Cases and Materials on Torts* offers a welcome antidote. Scrupulously revised and updated, integrating modern scholarship and historical background, Epstein continues to provide an exceptionally strong exploration of tort law in this streamlined seventh edition.

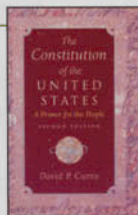


**David P. Currie**

**The Constitution of the  
United States: A Primer for  
the People (2nd ed.)**

*University of Chicago Press, 2000*

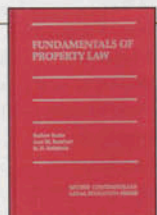
Following his overview on the law governing powers of the federal courts, *Federal Jurisdiction in a Nutshell*, Currie has written a clear introduction to the Constitution and the basic rights and protections it guarantees under the law. This primer also analyzes provisions meant to protect citizens from governmental abuse and Supreme Court decisions that have influenced constitutional interpretation over the last decade.



**R. H. Helmholz  
(with Barlow Burke &  
Ann M. Burkhardt)**

**Fundamentals of Property Law**  
*LEXIS Publishing, 1999*

The stated goal of the editors is to provide students with a firm grasp of the fundamentals of the law of real and personal property—and “to help them enjoy the experience.” The emphasis is on shorter cases over long; shorter expositions of the rules, not treatises; the role statutes play in our legal system; and a generally broad approach to the law of property.





**Tracey L. Meares  
(with Dan M. Kahan)**

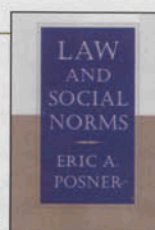
**Urgent Times:  
Policing & Rights in  
Inner-City Communities**  
Beacon Press, 1999



Eliciting spirited responses from activists such as Alan Dershowitz and Jean Bethke Elshtain, the authors challenge us—through a searching examination of the constitutional and moral issues of community—to reconsider the role of rights in a democracy and our ideas about how to fight urban crime.

**Eric A. Posner**

**Law and  
Social Norms**  
Harvard University Press, 2000



What is the role of law when order is maintained mostly through social norms? Eric Posner argues that the law should promote good social norms and discourage bad ones, but he acknowledges the need for better models to guide judges and lawmakers. He proceeds to apply inventive models to familiar areas of law, using the tools of game theory.

**Martha C. Nussbaum**

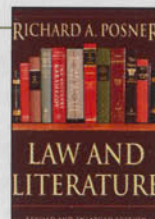
**Women & Human  
Development:  
The Capabilities Approach**  
Cambridge University Press, 2000



Here, from one of the most influential philosophical voices of our time, comes a new kind of practical feminism, focusing on the problems of poor women in Third World countries, notably India. Nussbaum argues eloquently for justice through concrete international policy and economic thought.

**Richard A. Posner**

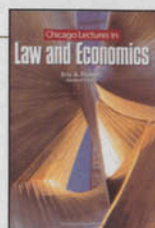
**Law &  
Literature**  
(Rev. and enl. ed.)  
Harvard University Press, 1998



Extensively revised and enlarged, this highly praised examination of the essential differences between law and literature expands its range to include new topics such as popular fiction about law, literary education for lawyers, the legal narrative movement, and judicial biography—free of legal and literary jargon.

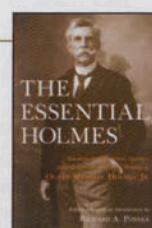
**Eric A. Posner**

**Chicago  
Lectures in Law  
and Economics**  
Foundation Press, 2000



Based on the Coase Lectures, named for Nobel laureate and emeritus faculty member Ronald Coase, this collection introduces first year law students to economic analysis of law. Including citations to guide the reader to relevant literature, the lectures assume no prior knowledge of economics and only minimal knowledge of the law.

**Richard A. Posner**  
**The Essential Holmes:  
Selections from the  
Letters, Speeches, Judicial Opin-  
ions & Other Writings of  
Oliver Wendell Holmes, Jr.**  
University of Chicago Press, 1999



This anthology of the speeches, opinions, letters, and essays of Oliver Wendell Holmes, Jr., to this day described as the greatest jurist and legal scholar in the English-speaking world, seems destined to become the standard one-volume resource of Holmes's writings, many never before published.

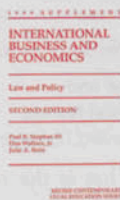


**Julie A. Roin**  
(with Paul B. Stephan III &  
Don Wallace, Jr.)

**International Business &  
Economics; Law & Policy**  
(2nd ed. 1999 Supplement)

LEXIS Publishing, 1999

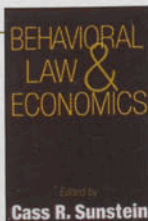
This second edition looks at NAFTA and the Uruguay Round multilateral agreements, focusing on the emerging jurisprudence of international trade law. It offers various models and methodologies to consider. The authors include helpful tax materials intended for teachers and students who are not tax specialists.



**Cass R. Sunstein**

**Behavioral Law &  
Economics**  
Cambridge University  
Press, 2000

This marks the birth of a new field: the study of law in terms of human behavior. New findings in cognitive psychology reveal that people are often unselfish and over-optimistic, have limited willpower and self-control, and are "boundedly" rational, with limited information-processing powers. Sunstein examines the implications of this kind of information for predicting the effects of law.

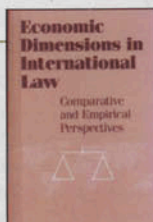


**Alan O. Sykes**  
(editor, with  
Jagdeep S.  
Bhandari)

**Economic Dimensions in  
International Law:  
Comparative & Empirical  
Perspectives**

Cambridge University Press, 1998

The editors provide comprehensive bibliographical references and an index of the papers presented at this conference in spring 1995, sponsored by Duquesne University and George Mason University.



## Journals Published by The University of Chicago Law School

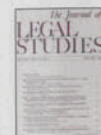
### Faculty-Edited Journals



**The Journal of Law & Economics**

Dennis W. Carlton, Sam Peltzman,  
Alan O. Sykes, and Richard A. Epstein, editors  
<http://www.journals.uchicago.edu/JLE/>

*The Journal of Law & Economics* explores the complex relationships between law and economics, focusing on the influence of regulation and legal institutions on the operation of economic systems. Although topically varied, articles are most often concerned with how markets behave and with the actual effects of governmental institutions on markets. Many of the articles, therefore, provide the basis for an informed discussion of public policy.



**The Journal of Legal Studies**

William M. Landes and  
Eric A. Posner, editors  
<http://www.journals.uchicago.edu/JLS/>

*The Journal of Legal Studies* is not a conventional law review but an interdisciplinary journal of theoretical and empirical research on law and legal institutions. Economists, political scientists, sociologists, and other social scientists, as well as legal scholars, contribute to the journal, which thus provides a meeting ground for a wide range of scholars.



**The Supreme Court Review**

Dennis J. Hutchinson, David A. Strauss,  
and Geoffrey R. Stone, editors  
<http://www.press.uchicago.edu/Complete/Series/SCR.html>

*The Supreme Court Review* provides disinterested criticism and commentary on the work of the Supreme Court by law professors, political scientists, and historians. It is the leading faculty-edited journal on public law subjects in the nation. A recent study ranked it first among all 330 specialized law journals in the United States in the prominence of its contributors.



## Student-Edited Journals



**The University of Chicago Law Review**  
<http://student-www.uchicago.edu/orgs/lawreview/>

First appearing in 1933, *The University of Chicago Law Review* is published four times a year by the University of Chicago Law School. The *Law Review* publishes articles, student comments, and book reviews on current legal issues and problems. It is edited by second- and third-year law students selected on the basis of academic performance.



**The University of Chicago Law School Roundtable**  
<http://home.uchicago.edu/orgs/law-roundtable/>

*The University of Chicago Law School Roundtable* is a journal of interdisciplinary studies devoted to works from both legal and nonlegal scholars. The journal publishes *Roundtable* symposium papers on special topics as well as articles and comments by professors and students. Legal issues are explored from the perspectives of disciplines, such as economics, history, computer science, and sociology.



**The University of Chicago Legal Forum**  
<http://student-www.uchicago.edu/orgs/legal-forum/>

*The University of Chicago Legal Forum* examines in a comprehensive and incisive manner a single topic of current interest to the legal community. Prior to publication, the *Legal Forum* holds a two-day symposium at the Law School so that contributing scholars may present and debate their conclusions. Following the symposium, participants submit articles featuring their research and conclusions. These articles are edited by students and, together with student-written comments, are published annually.



**The Chicago Journal of International Law**  
<http://home.uchicago.edu/orgs/cjil/>

*The Chicago Journal of International Law's* mission is to promote an interdisciplinary approach and balanced discourse on international law by publishing articles by legal scholars, political scientists, social scientists, and government officials; to enhance the resolution of international legal challenges by publishing concise, pertinent scholarly work; to guarantee a compressed production schedule to ensure these articles reach readers in a timely manner; and to provide an opportunity for students with international law interests to contribute timely, relevant scholarship focused on recent developments in international law.

## Books and Journals by Alumni

**George Anastaplo, J.D. '51.** *Abraham Lincoln: A Constitutional Biography*. Rowman & Littlefield Publishers, 1999.

**George Anastaplo, J.D. '51.** *Liberty, Equality & Modern Constitutionalism: A Source Book*. Focus/R. Pullins, 1999.

**Jose Christian Cascante, LL.M. '98.** *The EC Banana Organization Dispute*. Duncker & Humblot, 1999.

**Bruce S. Feldacker, J.D. '65.** *Labor Guide to Labor Law*. Fourth Edition. Prentice Hall, 2000.

**Steve Fiffer, J.D. '76.** *Three Quarters, Two Dimes, and a Nickel: A Memoir of Becoming Whole*. Free Press, 1999.

**Steve Fiffer, J.D. '76.** *Tyrannosaurus Sue: The Extraordinary Saga of the Largest, Most Fought Over T-Rex*. W.H. Freeman, 2000.

**David Graver, J.D. '00, ed.** *Drama For A New South Africa: Seven Plays*. Indiana University Press, 1999.

**George W. Liebmann, J.D. '63.** *Solving Problems Without Large Government*. Praeger Publishers, 2000.

**Timothy John Mullin, J.D. '73.** *American Beauty: The Prewar Colt National Match Government Model Pistol*. Collector Grade Publications, 1999.

**Timothy John Mullin, J.D. '73.** *The Fighting Submachine Gun, Machine Pistol, and Shotgun: A Hands-On Evaluation*. Paladin Press, 1999.

**Louis (Studs) Terkel, J.D. '34.** *The Spectator: Talk About Movies and Plays with the People Who Make Them*. The New Press, 1999.

**Robert Weiss, J.D. '48.** *Enemy North, South, East, West: A Recollection of the "Lost Battalion" at Mortain, France*. Strawberry Hill Press, 1998.



**The Green Bag, an Entertaining Journal of Law**

There exists a gap in legal publishing, says the *Green Bag's* Web site. At one end of the spectrum, newspapers and news magazines report the legal events of the day; at the other, law reviews publish large-scale works of legal scholarship. But there is nothing in the middle; no place for scholars to toss out a creative thought, or make an argument that merits more than a letter to the editor but fewer than 50 footnotes. This alumni-edited journal fills the gap with short and diverting articles. You can sample and subscribe by going to [www.greenbag.org](http://www.greenbag.org).



# Alumni

## News

### DEVELOPING EUROPE

Roger Orf, '79, says his life as an international entrepreneur isn't much different than his life as a law student: "I didn't have money during law school, and now I find myself in a position where I still mainly beg for money!" He must be successful at it, since a United Kingdom publication, *Propertyweek*, selected him as U.K. Property Entrepreneur of 2000.

The magazine said it chose him for the award because "he's bravely gone into new markets and pulled off some incredible deals," establishing his company, Pelham Partners, Ltd., "as one of the U.K.'s top international real-estate companies."

After graduation, Orf joined Kirkland & Ellis in Chicago. He says his brief stay there taught him that "billing by the hour has severe net-worth limitations." He then joined Goldman Sachs, where he hoped to leverage both his law and business training at the University. During his last four years at Goldman Sachs, he lived in London and ran the company's European real estate department.

In 1995, he founded Pelham Partners, which makes property and corporate investments. The firm has coinvested \$750 million of equity with partners; it owns interests in entities that control more than \$5 billion of real estate and operating companies throughout Europe. "We have invested in 14 European countries from Britain to Russia and most countries in between," he says.

Although "international entrepreneur" sounds impressive, Orf describes his position as "chief cook and bottle washer." He says, "In many ways, building a business in this fashion is harder than working as part

of a large company." His time at Chicago was well spent, he adds: "Law school helped me to think and communicate. After identifying the economics of a transaction, understanding the tax implications and the structure of a deal is vital."

He sees both opportunities and pitfalls down the international road: "Economic returns are likely to come down in my business. We must adjust by finding new, higher-margin businesses. Understanding the implications of the current European integration process is important. The ability of cash to flow across countries without currency risk will help the investment market. Europe is behind the United States in business-restructuring terms, and I foresee great opportunities in this area." If past performance is a guide, Roger Orf will make the most of Pelham Partners' future.

*Roger Orf takes a pioneering approach to emerging real estate markets in Europe.*



#### INSIDE

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# Doctoring the Olympics FOR NEW YORK



Dan Doctoroff

Dan Doctoroff, '84, wants to bring the Olympics to New York City. It's a perfect match, he says: no other city on earth more vigorously reflects the Olympic ideals of internationalism, competitiveness, and the pursuit of one's dreams.

Doctoroff, a member of the Law School Visiting Committee, is founder and president of NYC2012. His first hurdle is to persuade the U.S. Olympic Committee to select New York as this country's candidate to host the 2012 games. That proposal goes to the USOC in December of this year. If Doctoroff succeeds, New York could

at last shed its status as one of the few large, international cities that has never hosted an Olympiad.

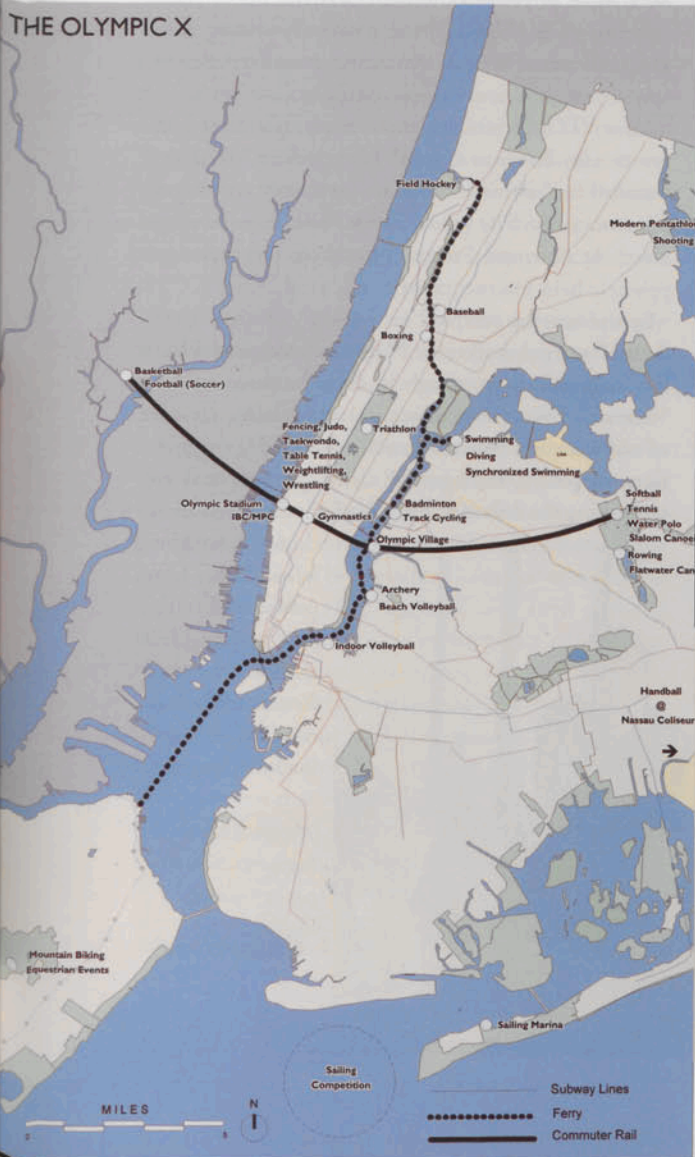
Putting together a logistical plan that provides the 30 different venues needed for summer Olympic events without snarling athletes in impossible traffic jams is a major challenge, which Doctoroff compares to "working with a 30-sided Rubik's Cube." His plan calls for 29 of 30 Olympic venues to be located on two intersecting axes that create an X, with the Olympic Village at its center on the East River in Queens. The north-south axis follows the East River from Staten Island to Northern Manhattan. The east-west axis follows train lines from the Meadowlands in New Jersey through Manhattan, along 34th Street, to Flushing Meadows in Queens. Athletes would be transported to events using trains or ferries without ever having to travel significant distances on roadways.

"We are trying to come up with something affordable and accessible that aesthetically shows off New York in a dramatic way, leaves a huge Olympic legacy, and spreads the benefits out to all New Yorkers," Doctoroff says. "That's the challenge. And we think we've succeeded with the Olympic X."

As of the beginning of June, Doctoroff, who is managing partner at Oak Hill Capital Management, Inc., had raised \$5.4 million for NYC2012 and assembled an advisory board that includes Jerry Seinfeld, Diana Ross, and Olympic long-jump record-setter Bob Beamon. His plans call for financing of the games to come from private sources rather than tax dollars.



## THE OLYMPIC X



Doctoroff's "Olympic X" plan for a New York City Olympiad allows competitors to travel to events without fear of being caught in New York's infamous traffic. The X proposal makes efficient connections between such famous venues as Yankee Stadium, Shea Stadium, Arthur Ashe Stadium, and Madison Square Garden.



# BRINGING LEADERSHIP to Education



Barry L. Zubrow

Barry L. Zubrow, '80, was recently named chair of Haverford College's board of managers. The youngest person ever to hold that position, Zubrow began his five-year term on July 1. He received his undergraduate degree in economics from Haverford.

Zubrow is chief administrative officer of Goldman Sachs Group, Inc. and also co-head of its Operations, Finance, and Resources Division. He has been with the firm since graduating from the Law School, becoming managing director in 1996. He was the firm's chief credit officer from 1994 until 1999. He played a substantial role in last year's heralded public offering of Goldman Sachs shares. That transaction was the second largest IPO of all time, creating a market capitalization for the firm that has risen to more than \$50 billion.

Zubrow was recently named to a working group jointly established by the SEC, Federal Reserve, and Office of the Comptroller of the Currency to develop options for improving public disclosure of financial information by banking and securities firms. The financial regulators convened the group to prepare for changes in the financial services industry arising from new market forces and the impact of the recently passed Gramm-Leach-Bliley Act permitting affiliations among banks, securities firms, and insurance companies.

Zubrow also serves on the board of managers of the Juvenile Law Center in Philadelphia, one of the oldest children's rights organizations in the United States.

Zubrow is a past member of the Law School Visiting Committee and a member of the strategic planning committee on entrepreneurship. Dean Daniel Fischel says, "Barry Zubrow has been a brilliant business innovator and a great friend of the Law School. He is totally dedicated to the new challenge of using his creativity to further education. Haverford couldn't have made a better choice."

# At the Front Line of the NEW ECONOMY

It's more than just another sign of how times are changing that a 1999 press release announcing Joshua Pickus's new position called the then 38 year old a "Silicon Valley veteran." Pickus has earned that designation through a range of experiences that consistently have placed him on the front lines of the New Economy.

Pickus graduated from the Law School in 1986 and currently serves on the Visiting Committee. After graduation, he joined one of Silicon Valley's top law firms, Morrison & Foerster. He next became a partner at Venture Law Group, a firm that is defining a new, holistic approach to meeting the needs of high-tech entrepreneurs (see a discussion of Venture Law Group on page 27). At VLG, he worked on Intel's purchase of a stake in Avid Technology and the initial public offering of SciClone Pharmaceuticals, among other assignments. He was managing partner of VLG Investments, the firm's venture affiliate.

After VLG, Pickus was the second investment partner to join Bowman Capital Management, which was founded by Lawrence Bowman, previously a managing director on the \$10 billion hedge fund, Tiger Management. At Bowman, Pickus focused on investments in privately held Internet companies.

By the time he accepted his present position—president of vertical markets at Niku Corporation—Pickus had seen and done enough to fairly be described as a "veteran." Niku ([www.niku.com](http://www.niku.com)) is a leading provider of software and business portals that enable organizations to source, manage, and deliver professional services using the Internet. He added another been-there-

done—that ribbon when Niku went public earlier this year, netting him the kinds of profits that made business-page headlines not long ago.



Joshua Pickus turns Internet possibilities into realities.



## CREATING A GIANT that Mirrors the Times



Thomas Unterman

Jaws dropped from coast to coast in March when the Chicago-based Tribune Company announced it was acquiring the Los Angeles-based Times Mirror Company. The *Washington Post* said the deal "surprised the media world;" the *Los Angeles Times*, Times Mirror's flagship holding, said such a sale "was widely believed to be impossible."

The merger, approved by shareholders in June, made the Tribune Company the country's third largest media conglomerate, with 11 daily newspapers, 22 television stations, and four radio stations. It is the largest multi-media company in four of the nation's five most populous states—California, New York, Illinois, and Florida. Its Internet news sites attract more than 3.4 million visits each month.

Among the people most surprised to learn that Times Mirror was becoming extinct was the company's own chairman and CEO, Mark Willes, who says he was one of the last to know about the deal. "I never thought it was conceivable that you could sell this company," he told a reporter.

Near the top of the list of the least surprised people was Thomas Unterman, '69, who is widely credited as the person most responsible for making it happen.

The transaction marked more than the end of a publishing era. The Times Mirror was owned by the Chandler family, about which David Halberstam wrote in *The Powers That Be*, "No single family dominates any single region of the country as the Chandlers have dominated California." The Chandlers had controlled the *Los Angeles Times* since 1882 and had used their growing media empire to influence developments not only in the city, but throughout the region.

It had been widely believed that the terms of the Chandler family trust made it impossible for the family to surrender its ownership of the publishing company. So strong was that belief throughout the industry that Times Mirror was effectively insulated from hostile takeover bids in its increasingly consolidating industry.

Virtually no one had bothered to read the document in many years. When someone finally did study it, it turned out, as Unterman has said, that "there isn't language in the trust that forbids [selling the company]. It required unanimity of all the trustees, and there were some trustees on record as saying they would never do it." When the trustees all decided that they would go forward with the sale, there were few impediments to completing the deal.

Unterman joined Times Mirror after specializing in corporate and securities law as a partner in the Los Angeles office of Morrison & Foerster. He served as Times Mirror's vice president and general counsel and then, from 1995 through 1999, as its executive vice president and chief financial officer. He took leave from the Times Mirror in 1999 to serve as an advisor to the Chandler family and to form TMCT Ventures, designed to marshal the family's holdings in high technology.

During his tenure with Times Mirror, Unterman had openly disagreed with Willes over the importance of new media to the company's future. He says that the principal force behind the merger with the Tribune Company was strategic: "Diversification in media type was an issue in the Chandler family's mind and a plus as an investor. I think for every one of them, the No. 1, 2, and 3 reasons were the fit and the strategic importance."

Today, Unterman sits on the Tribune Company board and runs TMCT, which, at \$550 million, is the largest venture-capital fund in Southern California. The fund's investments focus on Internet businesses and infrastructure, business services, telecommunications, and other technology-oriented, high-growth industries.

Unterman also serves as a trustee on the boards of the KCRW Foundation, Los Angeles Museum of Contemporary Art, Los Angeles Sports and Entertainment Commission, and various other nonprofit community organizations.



## ITSYBITS.COM The Web Site That Fits



Melissa London

Melissa London, '98, hatched the idea for her new business—the online magazine *itsybits.com*—while honeymooning in Rome with her new husband and classmate, Eric W. Hilfers, '98. Gazing into a boutique window, London, who is five-feet-two-inches tall, fell into a familiar diatribe about the difficulty of finding clothing for petite women. “It just sort of hit me,” she told the *New York Law Journal*—“What if there was a Web site that solved all the fashion problems petite women have?”

Eight months later, London left Cravath Swaine & Moore, (where Hilfers continues to work as an associate) to launch a new Internet fashion magazine for petites. *itsybits.com* went live at midnight on May 4.

In planning an all-inclusive site for petite women, London said, “We just assumed that it would be e-commerce.” But in the race to mount the first e-magazine for petites, she needed to overcome a significant obstacle—a lack of funding to buy inventory. To solve the problem, London developed a new revenue model that ultimately proved more advantageous. *itsybits.com* partners with clothing companies, selects the items it wants to advertise on the site, and collects a commission on each item sold. The site provides a wide variety of choice for its user, but allows the company to be free from the burden of inventory and fulfillment. This model worked to London's advantage in seeking financial support, as venture capitalists have come to recognize the risks of e-commerce.



## Wheeling 'n' Dealing IN HOLLYWOOD

It's a story as old as Hollywood. Our version stars Paul Sandberg, J.D./M.B.A. '82, who in his day-to-day practice of entertainment law literally overnight became a major Hollywood film producer.

For 10 years, struggling screenwriter Bill Wilson couldn't find any takers for his script, *Picking Up the Pieces*. Plenty of meetings, no commitments—until Sandberg changed all that. Passionate about the project, Sandberg persevered until he created just the right deal for Wilson and a new role for himself.

And what a deal! Wilson's script was transformed into a feature-length film whose stars include Woody Allen, Sharon Stone, Kiefer Sutherland, Maria Grazia Cucinotta, David Schwimmer, Fran Drescher, Lou

Woody Allen (left)  
stars in *Picking up the  
Pieces*, produced by  
Paul Sandberg (right).



Diamond Phillips, and Elliott Gould. The director, Alfonso Arau, was acclaimed for his work on *Like Water for Chocolate* and *A Walk in the Clouds*, and cinematographer Vittorio Storaro achieved recognition for his work on films that included *Apocalypse Now*.

The result, called a “mystical black comedy” (Allen, for instance, plays a New York kosher butcher named Tex, who is living in Arizona under the witness protection program), should have its premiere sometime in the next year.



# CHICAGO ALUMS INNOVATE

## Chicago Public Schools

### Leadership education for young women

Earlier this year, the Young Women's Leadership Charter School, a new addition to Chicago's public school system, opened its doors to its first classes for sixth- to ninth-grade students. The school will be temporarily housed in Herman Hall on the Illinois Institute of Technology campus until a new building, also on the IIT campus, is finished. Ultimately, it will serve grades six to 12.

Jeanne L. Nowaczewski, '84, was a driving force behind the school's creation. Now a member of the school's board of directors, Nowaczewski first began developing the school in August 1998 from her position as director of the public education project at Business and Professional People for the Public Interest (BPI). She convinced her BPI colleagues, including the then executive director, Alexander Polikoff, '53, that creating a school for young women would make a vital contribution to public education in Chicago. "I really believe in the creation of small public schools of choice as a way to change public education and improve it," Nowaczewski says. She had worked previously on the development of other charter schools, including the Best Practice High School and a number of other schools that emerged as a result of the 1995 request for proposals issued by the Chicago Public Schools.

The creation of a school for young women is a response to a decade of research suggesting that they learn better in single-sex environments. When the school is in full operation, each student will be required to complete seven years of math, science, and computer technology. Students are selected for the school by lottery, and this year's classes include "the

*Jeanne Nowaczewski is building the leadership skills of young women and, at the same time, helping construct the future of public education.*

ethnic diversity we were hoping for," Nowaczewski says. Sixty percent of the students are African-American, 30 percent are Hispanic, and 10 percent are white. Nowaczewski has broad goals for them. She says, "The school's overarching mission is to develop the leadership potential of young women, especially young women of color and low-income status." School officials have already been approached by organizations that include Argonne National Laboratory and the Field Museum about helping to shape a college-bound math and science curriculum.

Convinced of the value of the education that the Young Women's Leadership Charter School will provide, Nowaczewski was looking forward to the beginning of the school year—and a great deal further into her students' future. The typical big, urban, public high school graduates only 40 percent to 60 percent of its students, Nowaczewski says, but she is sure the Charter School will do far better. "We're going to keep them," she said confidently, "and we're going to graduate them."

### E-schools for Chicago



Elaine Williams

Elaine L. Williams, '83, does not have a teaching license, but she is playing a vital role in the education of Chicago's schoolchildren and their teachers. As Chicago Public School's new chief information officer, she is charged not only with connecting more than 7,600 schools to the Internet, but with ensuring that teachers know how to integrate the Internet into their regular classroom activities. That, she told *Crain's Chicago Business*, is "my biggest challenge."

Wiring the buildings for Internet connections will be no small task, either. "These are old, old schools, with thick walls," Williams told the *Chicago Tribune*. The school system is committed to wiring the schools and using the technology simultaneously, which Williams says is "a little like trying to float your boat while you build it."

But the school board is committed. With \$125 million in federal funding and Williams at the helm, it is determined to give students the computer skills they will need to survive and excel in today's job market. Moreover, Chicago's Mayor Richard M. Daley has ambitious plans for installing state-of-the-art "e-government" throughout the city. This summer he created a committee on e-government and named Williams its cochair.



## A M a n d a t e W i t h PROJECT EXILE



James B. Comey

Managing Assistant U.S. Attorney James B. Comey, '85, who heads the Richmond, Virginia, branch of the U.S. Attorney's Office, has made extra work for himself and his office—and he loves it. Through a pioneering program, his office aggressively prosecutes in federal court local crimes involving handguns that would normally be handled in state or municipal courts. Federal prosecutors across the nation are copying the Richmond office's Project Exile initiative, including the cities of Philadelphia, San Francisco, New Orleans, and Chicago.

Project Exile gets its name from the mandatory minimum sentence given to those who are prosecuted under it: five years in a federal prison several states away from home. Its implementation has two parts. The first is that the U.S. Attorney's Office presses federal charges against local cases that involve an illegal gun, a felon with a gun, or a drug crime involving firearms. The second part is a media blitz aimed at

gun-owning felons and drug dealers, stressing the penalties of illegal use of firearms. The initiative's impressive results testify that the message gets out: the number of homicides committed in 1997, at the program's beginning, was 140; last year it was 74.

Project Exile's dramatic results have garnered media attention nationwide, including stories in the *New York Times*, *USA Today*, and *Time* magazine and on 60 Minutes, ABC World News Tonight, and National Public Radio. Perhaps most surprisingly, it has also secured endorsements from both the National Rifle Association and Handgun Control, Inc.

Comey is used to high-profile prosecution. He spent six years in the U.S. Attorney's Office for the Southern District of New York, where he prosecuted members of John Gotti's organized-crime family. Later, he worked for the U.S. Senate Special Committee to Investigate Whitewater and Related Matters, where he met many of the participants in the impeachment matter. Previously, he clerked for a federal judge in Manhattan and was employed by a major New York law firm.

Comey takes great satisfaction in his job and his office. "As a fed in Richmond, you can make more of a difference than in a place like New York City," he told the Richmond paper *Style Weekly*. "Here, a hard-working group of people can really have an impact."



**Above, left to right:** One of the Dean's Lunches featured Judy Gold, '89, pictured with Ryan Phair, '00. Jon Stout, '71. **Opposite page, top right:** Charles Jacobs, '56, and Dean Daniel Fischel.

**Bottom, left to right:** Students Matthew Stevens, '01; Andrew Pfau, '02; Mark Warnick, '02. George Cotsirilos, '42. Charles Jacobs, '56, and Dean Fischel. Students Kathleen Schingoethe, '00; Andrea McCann, '01; and Mereke Decker, '01.







## Nourishing Aspirations AT LUNCHTIME

Dean Daniel Fischel started a new tradition at the Law School, that of inviting small groups of interested students to an intimate lunch with alumni who have distinguished themselves in nontraditional career paths. "The Law School has graduated not only the leading lawyers of the world's largest law firms," said Dean Fischel, "but the leaders in public service, business, and legal disciplines, such as family and criminal law, who have made a real difference in society. It is important for our students to see the broad range of opportunities open to them with their University of Chicago law degrees."

### Participants in the luncheons included:

Judy Gold, '89, Director of Policy for the City of Chicago and Chair of the Governor's Commission on the Status of Women. George Saunders, '59, one of the country's leading defense lawyers, who left a major firm to found his own and become one of the country's leading plaintiff's lawyers. Joseph DuCanto, '55, one of America's leading divorce attorneys and founder, president, and CEO of SECURATEX, a private detective and personal security firm. Jon Stout, '71, former owner of a defense industry data procurement corporation, currently majority owner of a publicly traded company and endower of the Women's Entrepreneurship Fund. George Cotsirilos, '42, partner at Cotsirilos Stephenson Tighe et al. and one of Chicago's most successful criminal defense lawyers. Charles Jacobs, '56, health care entrepreneur and one of the founders of The Second City.





# A L U M N I E V E N T S 2 0 0 0

## EMERITUS LUNCHEON



Being social is the norm for the 75 alumni who graduated from the Law School 50 years ago or more (including John A. Morris, '49, pictured at left). The annual emeritus luncheon was held at Spiaggia in Chicago on June 2, Saul Levmore, the William B. Graham Professor of Law (pictured lower left), spoke to the group about "Laws and Social Norms."



## SHAKESPEARE ON THE PIER

The Chicago Shakespeare Theater's production of *A Midsummer Night's Dream* delighted a large gathering of Chicago-area Law School alumni at the company's new space on Chicago's Navy Pier. Compounding their delight was a pre-show cocktail reception featuring a tongue-in-cheek exposition of the legal issues that the play illuminates, given by Professor David Currie. Currie's article, "A Midsummer Night's Dream—The Legal Issues," appeared in the summer 2000 issue of *The Green Bag* (3 Green Bag 2d 381). Subscription information is available at <http://www.greenbag.org/>.

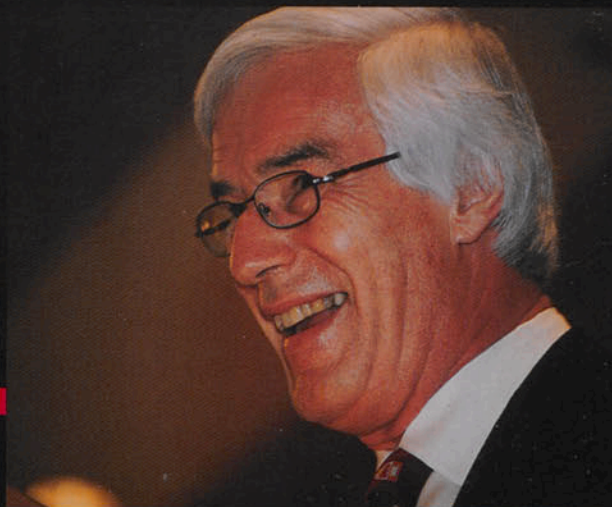


## LUNCH IN THE LOOP

On February 9, one year after the Senate's acquittal of President Clinton, Judge Richard Posner, senior lecturer at the Law School (pictured above), spoke at the Standard Club in Chicago to 200 Law School alumni and friends about his book, *An Affair of State: The Investigation, Impeachment, and Trial of President Clinton*. Above right, Associate Dean Sylvia Neil greets Charles Edwards, '65, and James Parker Hall III.



# ANNUAL DINNER 2000



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1. Gerhard Casper, Stanford president and former dean of the Law School, addresses the largest crowd in many years at the Renaissance Chicago Hotel on May 4. In his keynote address, "Structured Anarchy: the Eight Jobs of a University President," Casper debunked a common misconception by quipping, "If absolute power corrupts absolutely, don't worry about the University president." 2. Thomas Cole '75, co-chair of the Annual Fund, serves as master of ceremonies. 3. Allyson Newton and Veronica Spicer were delighted to attend when the Class of 2000 was invited to the dinner. 4. University Provost and former Dean Geoffrey Stone, '71, enjoys the presentations. 5. Irwin J. Askow, '38, at the pre-dinner cocktail reception. 6. Former Dean Phil C. Neal and Linda Thoren Neal, '67 (front), chat with Judy Cottle and Susan and Roberta G. Evans, '61, at dinner. 7. Louis D'Angelo, '91.



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# ALUMNI, REUNION, AND FAMILY WEEKEND 2000

Five years is a long time to wait to see friends, professors, and the school that brought them all together in the first place. That's why the Law School gave a venerable tradition an innovative boost on May 5 and 6, as Reunion 2000 became the



Alumni, Reunion and Family Weekend's enhanced spirit of inclusiveness was evident not only throughout the weekend, but long before it. Reunion chairs made calls, committees planned fun and interesting events, and the Law School itself buzzed with activity preparing to welcome alumni home and show off the place to the families of current students. Electronic bulletin boards, accessed through the Law School's Web site, were created to provide a forum for reuniting classes, including classmates who could not attend the weekend's events. Reunion classes are encouraged to continue using these bulletin boards even now at [www.law.uchicago.edu/reunion](http://www.law.uchicago.edu/reunion).

Members of the graduating class of 2000 were invited to attend the Annual Dinner, and all students were encouraged to take part in on-campus events, including a special Cinco de Mayo Wine Mess and a pizza lunch with alumni. Special events for the whole family included a Cubs game and a trip to the Museum of Science and Industry. Reunion classes

first Alumni Reunion and Family Weekend. While special focus naturally remains on the reunion classes, the weekend's activities have been revamped and expanded to include all alumni, students, and their families. This year and in future years, everyone is welcome to join in this rededicated celebration of the Law School community.



set up their own special events, including cocktail parties, dinners, and a showing of a film written and directed by a member of the class of 1995.

Alumni have always enjoyed seeing their classmates at Reunion. But with the new emphasis on gathering the entire Law School community—including alumni, faculty, students, and families—Alumni, Reunion and Family Weekend has become more welcoming and more fun than before. Five years is too long to wait to catch up with the ever-growing Law School community.



1. Jonathan Green, '01, with his father, Bob Green, '71.
2. Dean Daniel Fischel gets into the spirit of Cinco de Mayo.
3. Iona and Milton ('50) Levenfeld talk with Dean Fischel at their class dinner.
4. A weekend-event game of Ultimate Frisbee.
5. Susan Rosenberg, '90, and son.
6. John Dent and Patricia McBride celebrate Cinco de Mayo with 1990 classmates Lyneir Richardson and David Smutny.
7. Bernard Nussbaum, '55, addresses his class.
8. Kenneth Tollett, '55, talks to Thomas Banks, '01, and Candace Dohn, '01, at the Students/Alumni pizza lunch.
9. Kristin James, Linda Simon Shade, and Kathleen McCarthy observe the Class of 1995 Reunion dinner at the Como Inn.
10. Making acquaintances at Wine Mess.
11. Patrick Hardin and Charles Edwards enjoy the view at the Plaza Club during their Class of 1965 dinner.
12. Professor Albert Alschuler talks with Stephen Ware, '90.
13. The Class of 1970 dines at Red Light.





## Letter from Our Ambassador in Paradise

By Ambassador Carol Moseley Braun, '72

I have been named Ambassador to Paradise! New Zealand is a magnificent country with unparalleled physical beauty and extraordinary cultural diversity. In a relatively compact area, one can visit fjords or mountains, deserts or beaches, rain forests or metropolitan centers. The climate runs the gamut from subtropical to alpine. The language is English, modified by Maori. It is familiar and exotic at the same time.

It is my singular good fortune to lead the first *teretere*, or diplomatic mission, of the new millennium. Upon my arrival here, I was greeted with a formal *powhiri*, or invitation to the Maori *marae* (community) and made an honorary member of Te Atiawa, an indigenous tribe that even today has claims against the land on which the U.S. Embassy is situated.

The cultural-integration issues have been addressed in a unique way here, and Maori culture is celebrated even as Maori claims under the Treaty of Waitangi are debated. The single most important aspect of the integration of Maori and *Pakeha* (European) here is the fact that intermarriage is so pervasive that everyone has some connection to just about everyone else. In an island nation of 3.8 million people, such coming together takes on special significance. At Gisborne at the dawning of the new century, I could not help but reflect on the way in which New Zealand had created a single people out of the best that her history had to offer.

I had heard—as has just about everybody who asks—that New Zealand is a country with more sheep than people. This is true, although less so today than in the days when it was known as “England’s breadbasket.” With the opening up of trade, the United States has become New Zealand’s second-largest trading partner, behind Australia, and commerce has diversified well beyond agriculture. We trade with this country in everything from airplane parts to forestry products to fish, although farm commodities still predominate. It is probably for reasons that are more symbolic than financial that every single audience asks why the United States put trade sanctions on lamb. Without getting on the slippery slope of an explanation, I just point out that they are selling more of it to us than ever.



Lamb was not the only sticking point when I got here in late December. Defense was another. In an almost hilarious way, I found myself followed by a certain group of F-16 fighter jets, which the newly elected government had vowed to send back to the United States before I arrived. As it turned out, these were the very same airplanes about which I had had a huge Senatorial fight and eventual victory. Pakistan had originally bought them, but then was found in violation of our nuclear nonproliferation goals, and so the planes were never delivered. The problem was, the Pakistani government had already paid for them. Along with a band of my colleagues, we argued that it was not right to keep the planes and the money, so we arranged for a refund. In the meantime, New Zealand "bought" the planes. I was to get the news that they had changed their mind.

While no real fuss was made about it at the time, the regional security issues are still very much of concern. Instability has replaced the "Evil Empire" as the biggest challenge to human rights and world peace, and the Pacific Rim has recently made itself an "Arc of Instability" that threatens us all. The United States and New Zealand have not always seen eye to eye on defense matters, but we are working closely together to meet a new set of challenges posed by the recent rash of coups, revolutions, and conflicts.

And me? I have been on the adventure of a lifetime. In addition to the normal course of running an organization and attending to diplomatic business, being an ambassador is a unique challenge, even in a relatively friendly environment. I have gotten around to 80 percent of the country in the six months I have been here; I have met all of the elected members of the government; I have spoken to numerous Rotary clubs and community groups; and I have opened up the embassy to increased contacts with the academic, cultural, and arts communities. The first treaty I signed—the GLOBE Agreement—combined two of my favorite issue areas, education and environmental protection, by supporting an international environmental project among school-children. I have been cave spelunking and mountain climbing (no, I will not bungee jump), and I have milked a cow and held a kiwi. I have traveled from the South Pole to Samoa in a two-week period of time (my body thought I had lost my mind). I learn something new every day.

The University of Chicago Law School has had a singular influence in my life. Not only did it provide me with a world-class legal education, but it also gave me the analytical tools with which to approach policy issues and legal questions. Those skills serve as importantly in this role as they did in my life as a legislator. However, the esteem in which this law school is held all over the world has been as important for me as the legal training. Whether in Apia or Auckland, the fact that I am an alumna of the University of Chicago Law School increases my *mana*. That is a Maori way of saying clout.

## The Law School in Paris



The Law School's planning sessions and meetings in Europe this spring included alumni and friends from 12 countries. James Hormel, '58, ambassador to Luxembourg, addressed alumni on the subtle nuances often underlying U.S.-global relations. His insightful comments at dinner, the important suggestions made the next morning, and the correspondence received on the Web site for Law School international alumni have resulted in organizing memoranda of principles and

suggestions to improve the LL.M. program, international alumni relations, and the presence of the Law School abroad.

Standing left to right: Jules-Marc Baudel, M.C.L. '67; Peter A. J. Kurer, LL.M. '76; Dean Daniel Fischel, '77; Ambassador James Hormel, '58; and Howard Krane, '57, former chairman of the University of Chicago Board of Trustees.



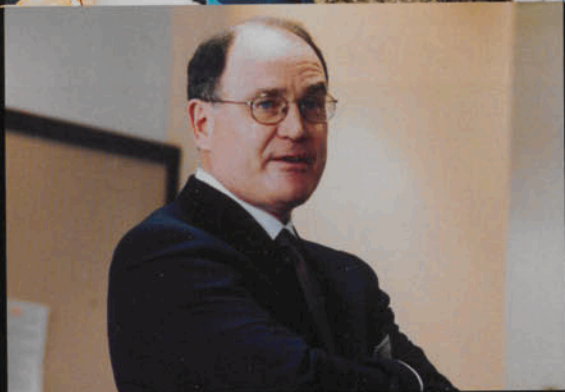
# THE VISITING COMMITTEE 1999-2000

Under the chairmanship of Jim Mercer, '71, the Visiting Committee met twice during the course of the year, tackling the issue of defining the Law School for the 21st century. Over the past two years, various constituencies of the Law School have been involved in a process of assessment. In meetings here and throughout the country, faculty, students,

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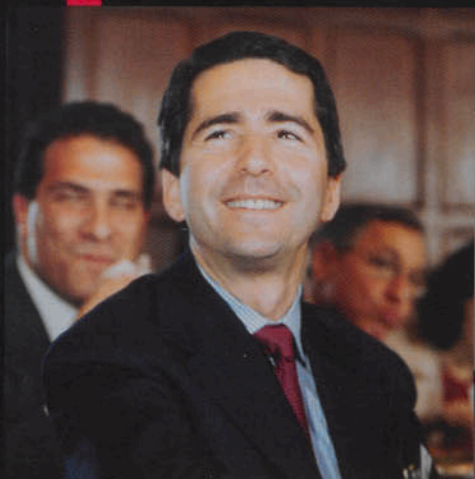


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staff, and alumni have spoken to the special character and core values of the Law School and have articulated ways in which we might enhance our traditions. In response to identified needs and concerns, various curricular endeavors and changes in organizational structure are already underway. This past year, Visiting Committee meetings addressed these themes, reviewed programs, and began to plan for the future.



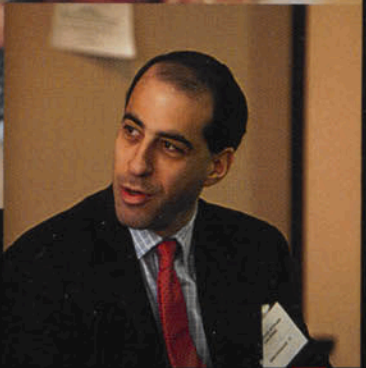
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1. Edward Warren, '69, and Ambassador James Hormel, '58. 2. José L. Berra, '84, and Lillian Kraemer, '64, present former Dean Douglas Baird a special gift for his dedicated service to the Law School. 3. James Mercer, '71. 4. Judge Lee Rosenthal, '77, and Ann Stern, '77. 5. David Bernick, '78. 6. Leslie Bluhm, '89. 7. Professor Douglas Lichtman. 8. Adam Emmerich, '85. 9. Kevin Morris, '02, and Brooke May, '01. 10. Lawrence Hoyle, '65, and Associate Dean of External Affairs Sylvia Neil.



# Alumni

## In Memoriam

### The University Remembers **EDWARD LEVI'S** Accomplishments and Character



At a memorial service in Rockefeller Chapel on April 6, 2000, the University of Chicago honored Attorney General, President of the University, and Law School Dean Edward Levi, who died in Chicago on March 7.

Alison Boden, dean of the chapel, remarked that, although it is sometimes said that "individuals are remembered not for their accomplishments but for their character," Levi's life may leave us "reconsidering the separability of the two—deeds and character—as we remember a man whose inestimable integrity, commitment, and principle sprang so directly from a character of integrity, commitment, and principle."

President Gerald Ford and Supreme Court Justice Antonin Scalia were only the most prominent of an eminent roll of commemorative speakers. From the University were President Hugo Sonnenschein and trustees Katharine Graham and Jack W. Fuller. The Law School was represented by former Dean Gerhard Casper, currently president of Stanford University, and Bernard Meltzer, the Edward H. Levi Distinguished Service Professor Emeritus and Levi's brother-in-law.

Edward Hirsch Levi was born in Chicago on June 26, 1911. He attended the University Lab School, went on to the College and continued to the Law School, earning a J.D. in 1935. Levi was editor in chief of the *Law Review* and was elected to the Order of the Coif. He was a Sterling Fellow at Yale, receiving his J.S.D. in 1938.

"But Chicago kept its sights on him," Meltzer explained to the Rockefeller audience. "Our dean, Harry Bigelow, asked William O. Douglas, 'Is Edward Levi just good or really damn good?' Douglas not only adopted the second formulation, but also wrote an ode to Edward, extolling his remarkable capabilities and his extraordinary scholarly accomplishments. So, in 1936, the very young Edward became an assistant professor here."

Levi went to work at the Justice Department in 1940 as special assistant to the attorney general. He remained in Washington until 1945, serving as first assistant in the Antitrust and War Divisions and as Chairman of the Interdepartmental Commission on Monopolies and Cartels. His antitrust record, President Ford said, "was the stuff of legend."

Levi returned to the Law School as a full professor in 1945 and was appointed dean in 1950. As dean, and in his "Elements of Law" and "Antitrust" classes,

Left: "As his intellectual rigor raised our standards, so did his visionary spirit raise our sights," memorialized President Ford (shown with Levi in the Oval Office), who had great affection and respect for Levi, calling him "the attorney general against whom all others are measured." Center: Levi exhibits his intellectual rigor and visionary spirit as speaker at the Centennial convocation in 1991. Right: President Levi in 1972. Justice Scalia remembered him for "that characteristic Mona Lisa smile," reflecting "perpetual bemusement at the complexity of things and perpetual amusement at the incapacity of others to realize the complexity of things."



*To my very good friend, Ed Levi, in appreciation  
of your wise, effective and loyal help during some very difficult  
times. I'm most grateful. Warmest best wishes.  
Jerry Ford*

Levi "urged that the insights of the social sciences and of the humanities, properly integrated with law, would not only enhance legal education, but would also increase the effectiveness of all legal institutions," Meltzer said.

This conviction led him to champion the Law and Economics movement, in part by teaching with economist Aaron Director and by founding the *Journal of Law and Economics*. As dean, Levi presided over projects such as the design and construction of the Laird Bell Quadrangle and the creation of one of the country's first law school legal aid clinics.

Levi became the University's first provost in 1962 and its eighth president in 1968. Graham remarked that his presidency is perhaps best remembered for the way he dealt with the turbulent atmosphere of student protest. When students occupied the administration building in 1969, Levi waited them out rather than reacting with outside force.

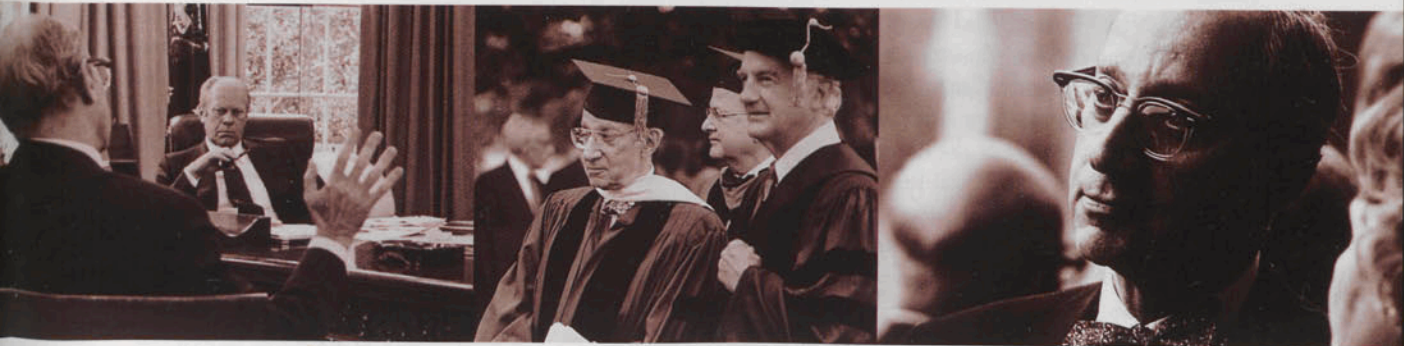
Casper explained that Levi's presidency continues to inspire the academy, "through his example and, foremost, through his seriousness of purpose. It was his conviction that the university which 'pretends to be all good things to all people is on the road to mediocrity.'" Levi stood firm in "his commitment to the bedrock principles of the University. Against those who seek to use universities for political and social purposes, he dared to say that 'the object of the university is intellectual, not moral.' Of course, for Edward, adherence to reason partook of the highest morality."

Levi's planned retirement from the presidency was preempted in 1975 by President Ford, who asked him to serve as attorney general of the United States in the wake of the Watergate scandal. The Justice Department's image had suffered greatly, Ford said; the next attorney general needed to be "someone of towering intellect and spotless integrity." Levi reluctantly accepted the post. "It is no exaggeration to say that Attorney General Levi helped give us back our government," said Ford. "Ed Levi is the attorney general against whom all others are measured."

Levi returned to teaching in 1977. He retired in 1985 and was honored with the creation of the Edward Hirsch Levi Distinguished Service Professorship.

Levi's commitment to the University of Chicago never wavered during his time as president emeritus. Levi was an honorary trustee for the rest of his life and continued to serve on committees and boards. His accomplishments outside the University were also impressive. He was awarded the French Legion of Honor in 1973, was a founding director of the MacArthur Foundation from 1979 to 1984, and served as president of the American Academy of Arts and Sciences from 1986 to 1989.

Remarking on what made Levi unique, Meltzer said, "It was not merely his intellectual range, broad as it was; nor his brilliance, nor his wit, sparkling as they were; nor his enlivening irreverence and impishness, though all of these counted. Rather, it was that he marshaled all of these strengths in an unsparing search for excellence."





### Morris Abram, '40, dies at 81



Morris Abram

Morris Abram's passion for defending human rights marked every step of his life. From the tribunals of Nuremberg to the courts of Washington to the halls of the United Nations, he advocated boldly for the forgotten and the oppressed. Abram served in a public capacity under five presidents,

represented and led numerous organizations, and fought for rights from private practice.

Born in Fitzgerald, Georgia, on June 19, 1918, Abram graduated from the Law School in 1940. He served in Air Force Intelligence during World War II. Following that, Abram was counsel for the Prosecution Staff of the International Military Tribunal in Nuremberg, Germany, in 1946. Soon after, he returned to Georgia to set up practice. There he campaigned against an election system that discriminated against Black voters. His 14-year effort made it to the Supreme Court and finally resulted in the Court's famous 1963 "one man, one vote" decision in *Reynolds v. Sims*.

Shortly before moving to New York in 1962, Abram acted as attorney for Martin Luther King, Jr. when King was arrested for civil rights activities in Atlanta. Upon arriving in New York, Abram joined the law firm of Paul, Weiss, Rifkind, Wharton & Garrison but still took time to hold many government positions, including U.S. representative to the United Nations Commission on Human Rights and member of the National Advisory Council on Economic Opportunity. At the same time, he was the national president of the American Jewish Committee and president of the Field Foundation of New York.

In 1968, Abram accepted the presidency of Brandeis University. He was noted for handling serious racial problems and protests non-violently and effectively. He left Brandeis in 1970 to make an unsuccessful bid for the U.S. Senate and then resumed his position at Paul, Weiss, Rifkind, Wharton & Garrison. He was chair of the United Negro College Fund from 1970 to 1979.

Abram became the first chairman of the board of trustees of the Benjamin Cardozo Law School of Yeshiva University in New York City. He later accepted the chairmanship of the President's Commission for the Study of the Ethical Problems of Medicine under President Jimmy Carter.

In the 1980s, he served as vice chairman of the U.S. Commission on Civil Rights and then as U.S. permanent representative to the United Nations in Geneva. Abram

became the founding chairman of UN Watch, which monitors the UN's activities concerning Israel and advocates the principles of the United Nations Charter.

Abram received a University of Chicago Alumni Citation in 1959 and served on the Law School's Visiting Committee from 1967 to 1970.

He died in Geneva on March 16, 2000.

### Bruce Craig Abrams, '86



Bruce Abrams

Chicago Tribune

Through his aesthetic vision, social conscience, and business acumen, Bruce Abrams had a major effect on Chicago. He graduated from the Law School in 1986 and worked for two years in the Chicago office of Skadden, Arps, Slate, Meagher & Flom before discovering his calling in real estate. He left in 1988 to form LR Realty, and within seven years, at 34, he was cited as a civic force by *Crain's Chicago Business*, which named him as one of its "Forty under Forty."

The *Chicago Tribune* said of him, "He commanded extraordinary respect from both real estate industry colleagues and city officials for the meticulous care he took in restoring distinctive vintage buildings and for a vision of the city he brought to revitalizing neighborhoods and creating low-income housing."

Abrams's specialty was working on architectural gems, including the Chandler Building, the Mayfair Regent, Hotel St. Benedict Flats, Fort Sheridan, and the former Playboy Mansion. He won a dozen Good Neighbor awards from the Chicago Association of Realtors for careful handling of old buildings or sensitivity to neighborhood issues. He also founded Prism Mortgage, which became one of Illinois' largest mortgage brokers.

He brought an infectious zest to his work and relationships. *Chicago Magazine* observed, "Abrams clearly relished his projects, enthusing about the vintage details, spinning tantalizing visions of how he would bring back some lost touch or complement an old building with new finishes. Abrams stood apart in his love of old buildings as living artifacts, not merely containers for splashy new condos."

Few would disagree that Abrams honored the credo of his company: "Construction is an art. Art involves much more than skill, experience, and training. Art also requires talent, inspiration, and originality—those rare qualities that set apart a select few from the many."



## Elmer Gertz, '30, dies at 93



Elmer Gertz

Elmer Gertz's very public legal career arose from a private outrage. "The police had jailed me," he told the *Chicago Sun-Times* in a 1978 interview, "and held me incommunicado." A mix-up in college involving another person had led to Gertz's arrest. "I don't know how many of my constitutional rights

had been violated."

"And," he added, "I was outraged by the injustice to Sacco and Venzetti." Gertz turned his outrage into an indefatigable crusade for individual rights and a taste for high-profile cases.

Gertz's famous clients included Nathan Leopold, whom he got released from prison 34 years after the sensational Leopold and Loeb case; Jack Ruby, whose death sentence Gertz had had overturned; and Henry Miller, who became a close personal friend as Gertz successfully directed his defense against obscenity charges springing from the sexually frank book, *Tropic of Capricorn*. Although Gertz turned many of his famous cases into successful books—*Moment of Madness: The People vs. Jack Ruby* and *Henry Miller: Years of Trial and Triumph*—he never forgot about the rights of the powerless. "I filed amicus briefs . . . in most of the death penalty cases that came before the [Illinois] high courts for a period of years," he recalled for *Chicago Lawyer* in 1988. "We saw to it that no one on death row in Illinois was without representation."

Born in Chicago on September 14, 1906, Gertz graduated from the College in 1928 and came to the Law School, which he described to the *Sun-Times* as "the outstanding law school in the country." After graduation, he continued his association by serving on the board of the Law School Alumni Association and the editorial board of the *Law Alumni Journal*. In time, he also became a regular attendee at the Law School's emeritus luncheons.

In 1969, Gertz was elected as a delegate to the Illinois Constitutional Convention, where he served as Chairman of the Bill of Rights Committee. That same year, he sued the John Birch Society for libel after being branded a communist in its magazine. The case went to the Supreme Court, where his victory established a new standard of personal libel for some public figures.

Gertz began teaching at the John Marshall Law School in 1971, and he remained there until his death on April 27 at the age of 93.

## James L. Zacharias, '35



James Zacharias

James Zacharias worked tirelessly for civil rights, for crime victims, the incarcerated, and children. To preserve his accomplishment, he also gave generously to the Law School's clinics and other training grounds for future advocates for the disadvantaged.

Born in Oak Park, Illinois, Zacharias received his Ph.B. from the University of Chicago in 1934 and his J.D. from the Law School in 1935. After practicing law for two years, he joined his brother Richard in business in 1937, leaving to serve as a lieutenant in Army Intelligence during World War II.

After the war, he returned to working with his brother at the company that became Precision Plating, where he was president until his retirement in 1989. In 1984, he and Richard were instrumental in transforming the DoveBar from a Chicago secret into a national craze by persuading the South Side confectioners who made DoveBars to bring them to a wider market, with Precision Plating as an investor in the venture.

Zacharias served on the ACLU's board of directors, executive committee, and advisory council for many years and was awarded its Roger Baldwin Award for his enduring commitment to civil liberties. He was president of the John Howard Association, which is dedicated to prison reform; he was a director and chairman of the Illinois Commission on Children; and he was deeply involved in the Cook County Special Bail Project.

Zacharias's lasting support for the Law School includes the James L. Zacharias Fund for the Mentally Handicapped at the Mandel Legal Aid Clinic and the seed money for construction of the Kane Center for Clinical Legal Education. In 1999, he endowed the James and Bobette Zacharias Fund to encourage student participation in the Mandel Clinic during the summer. He served as a member of the Law School's Visiting Committee, a director of the Law School Alumni Association, and president of the Chicago Area Law School Alumni Association.

He died at his Winnetka home on October 29, 1999, after a long illness.



### 1921

**Maurice Walk**  
February 2, 2000

A Chicago-area resident, Walk also spent time in Jackson Hole, Wyoming, where he was a major philanthropist.

### 1932

**Leonard Aries**  
February 25, 2000

A graduate of both the College and the Law School, Aries also received a doctorate in law from Georgetown University. After serving in the army in World War II, he was a federal housing lawyer. In the late 1940s, he became the chief of the Washington, D.C., branch of the National Conference of Christians and Jews and served as the national vice president of the conference in the 1970s, retiring in 1982. He was the author of a book on the art of negotiating, *Let's Talk About It*.

### 1933

**Morris Chertkov**  
September 29, 1999

Chertkov was executive director of the Civil Aeronautics Board during the Kennedy administrations. He began with the CAB as a staff attorney in 1947 after working for the Office of Price Administration. After he retired, Chertkov was general counsel and executive director of the Alaska Public Utilities Commission. He was then in private practice in Washington.

**Miriam Hamilton Keare**  
January 17, 2000

Though Keare never practiced law, she used her education in serving on more than 30 boards, including the Lake Shore National Bank, Highland Park League of Women Voters, Planned Parenthood, and District 108 Board of Education. An environmentalist, she served on the national advisory council for the Sierra Club Foundation in the 1980s and was active in instituting forest preserves in Lake County.

### 1934

**Joseph Abbell**  
January 15, 2000

Abbell was one of the first developers of shopping malls during the 1950s. The shopping centers were primarily in Iowa and Ohio. He served on the boards of Jewish Theological Seminary of America and Rodfei Zedek Congregation.

**Charlotte Hornstein Lee**  
September 28, 1999

Lee attended the University of Chicago Law School for two-and-a-half years before finishing her law degree at John Marshall Law School in 1934. She practiced chiefly probate and tax law from 1935 in both private practice and as a state's attorney. She retired from the Cook County state's attorney's office at age 82. She served as president of the Women's Bar Association in 1958.

**Leo Segall**  
May 13, 2000

Segall's practice with the Chicago firm of Asher, Greenfield, Gubbins & Segall focused primarily on representing labor organizations. In one of his best known cases, he successfully represented the Amalgamated Meat Cutters against the Jewel Tea Co. in 1965 before the U.S. Supreme Court. He also focused on employee benefits, drafting many of the union plans that are still used today.

**Charles Woodruff**  
March 20, 2000

Woodruff practiced law with Chicago Title and Trust and the National Restaurant Association. He worked as an aerospace attorney in Connecticut, Texas, and California and retired after 24 years with Lockheed Aircraft Corp.

### 1938

**Lee Shaw**  
November 30, 1999

A labor lawyer, Shaw was a founding member in Chicago of Seyfarth, Shaw, Fairweather & Geraldson, which today employs 450 lawyers in offices across the country and in Brussels, Belgium. He retired in the early 1980s to

Del Mar, California. At the University of Michigan, where he received his undergraduate degree, he played linesman on the same football team as President Gerald Ford.

### 1940

**William Tucker Dean**  
December 3, 1999

Dean, who also had a degree from Harvard Business School, was professor of law at Cornell University Law School for 35 years.

### 1947

**Theodora Gordon**  
July 17, 2000

Gordon spent her first 25 years as a lawyer in Chicago working on product liability matters for a hair care products company. She then had her own general practice for 25 years. Gordon was the first female president of the Decalogue Society of Lawyers, a Jewish bar association. She also was active in the Women's Bar Association of Illinois, serving a term as president and endowing a scholarship that will award grants of \$3,000 to \$5,000 a year.

### 1949

**Thomas M. Sullivan**  
May 3, 2000

Sullivan served as a marine aviator during World War II, retiring from the Marine Reserves in 1969. Practicing in Denver, he served as the general counsel for the Rocky Mountain Conference of Seventh-Day Adventist churches for more than 25 years.

### 1950

**Raymond Goetz**  
May 2, 2000

Goetz received both a law degree and an M.B.A. from the University. He practiced law in Chicago with Seyfarth, Shaw, Fairweather & Geraldson from 1950 to 1966. He was then a

professor of law at the University of Kansas from 1966 until his retirement in 1987. He was the sixth permanent arbitrator for Major League Baseball.

### 1955

**George Athanson**  
January 9, 2000

Athanson, a Democrat, served five terms as mayor of Hartford, Connecticut, from 1971 to 1981. He served longer than any other mayor of the city since 1812. After leaving office, Athanson practiced law, winning a highly publicized case that gave the parents of a seven-year-old Chinese girl the right to seek traditional Chinese treatment for juvenile rheumatoid arthritis.

**Solomon Hirsh**  
December 5, 1999

Hirsh, a labor lawyer, represented unions, government regulators, and individuals during his 40-year career. After serving in the Army during World War II, he worked at the National Labor Relations Board doing appellate work. He returned to Chicago in 1969 as general counsel for the Brotherhood of Railway and Airline Clerks, now called the Transportation Communications International Union. He served as member of the city of Evanston's Landmarks Preservation Commission and was active in Beth Emet Synagogue.

### 1956

**Ingrid Beall**  
July 2, 2000

Beall was the first woman partner at Baker & McKenzie, where she specialized in tax and foreign trade law. After working at McDermott Will & Emery for two years after graduation, she joined Baker & McKenzie in 1958 and became a partner in 1961. Fluent in French, she opened the firm's Paris office, where she worked for 10 years. She was an active alumna of the Law School and served as president of the Law School Alumni Association from 1980 to 1982.

### 1958

**Morton Brody**  
March 25, 2000

Judge Brody was appointed in 1991 to the U.S. District Court for the District of Maine. Before his appointment, he served in Maine's state judicial system starting in 1980 as a judge in both the Superior Court and the Supreme Judicial Court. Prior to his judicial career, Brody was a trial lawyer and the city solicitor for Waterville. He was a former chairman of the National Committee on Jury Standards and served on the First Circuit's Gender, Race, and Ethnic Bias task force.

### 1971

**Robert Misner**  
July 19, 2000

Misner was a professor of law at the College of Law at Willamette University in Salem, Oregon, where he had served as dean from 1987 until 1994. Prior to 1987, he taught at the University of Sydney, University of Virginia, Boston University, and Arizona State University Law School. While in Arizona, he was a special assistant attorney general of Arizona from 1976 to 1978 and an executive assistant to Governor Bruce Babbitt. An expert in criminal law and procedure, Misner participated in the Central and East European Law Initiative in Sofia, Bulgaria, in 1994 and was a visiting scholar in 1997 at the East China Institute of Politics and Law in Shanghai.



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Halverstam, Keith Leonard  
Heck, Raymond Christopher  
Hu, Da-Wai  
Hubbard, William Hamilton  
Jolin, Marc Edward  
Klapper, Jessica Beth  
Malani, Anup  
McCall, Kara Lynn  
Morrison, Edward Rust  
Newton, Allyson Paix  
Sigman, Shayna M.  
Siskel, Edward Nathan  
Thompson, Karl Michael  
Remón  
Willscher, Alexander John

Halverstam, Keith Leonard  
Heck, Raymond Christopher  
Hu, Da-Wai  
Hubbard, William Hamilton  
Huntington, Laura Louise  
Jolin, Marc Edward  
Klapper, Jessica Beth  
Malani, Anup  
McCall, Kara Lynn  
Morrison, Edward Rust  
Newton, Allyson Paix  
Sigman, Shayna M.  
Siskel, Edward Nathan  
Thompson, Karl Michael  
Remón  
Willscher, Alexander John

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Butler, Brian Edgar  
Cantor, Rachel Lynn  
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Chirban, Elissa Aldona  
Clark, Catharine Mary  
Evanoff, William Allan  
Ezer, Deborah Joan  
Garrett, Christopher Lewis  
Glazier, Ilana Nicole  
Grusd, Jared Earl  
Henry, Ann Marie  
Huntington, Laura Louise  
Joshi, Aparna Bhagwan  
Kahn, Jessica Lynn  
Kalfus, Mason Scott  
Karabelnik, Yael  
Karsh-Fogel, Tamar Tzila  
Katz, Tracy Erin  
Kemp, Danielle Susan  
Ketchens, Jason Paul  
Kimura, Mary Mikiko  
Koch, David Richard  
Kramer, Douglas James

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McPhee, Heather Marie  
McPherson, Robin Grace  
Michael, Matthew Dwight  
Morel, Sr., Thomas Jay  
Nash, Jennifer Anderson  
Nevin, Heather Lynn  
Norber, Howard Steven  
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Zeeman, Jeffrey Howard

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Evanoff, William Allan  
Gunn, Joshua Alson

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# A L U M N I

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YEAR AND DEGREE			
FIRM/BUSINESS NAME		<input type="checkbox"/> CHECK HERE IF THIS IS NEW	
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TITLE		WORK PHONE	E-MAIL ADDRESS
HOME ADDRESS		<input type="checkbox"/> CHECK HERE IF THIS IS A NEW ADDRESS	
		HOME PHONE	
CAREER NEWS			
PERSONAL NEWS			



Postcard courtesy of Mrs. Mary Lutwyche

This postcard, postmarked October 26, 1909, portrays the old Law School building. The building housed the Law School until the Laird Bell Quadrangle opened in 1959. Now known as Stuart Hall, the building currently accommodates the Graduate School of Business. Stuart Hall will undergo another transformation—still in the planning stages—when the GSB moves into a new building in 2003.



## THE LAW SCHOOL

The University of Chicago  
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# Law School Events

## 2000

### October 2

"First Monday in October" luncheon at the University Club of Chicago with Dennis Hutchinson, William Rainey Harper Professor in the College and Senior Lecturer in Law, speaking on "October Term 2000: The Supreme Court, Presidential Elections and Political Agendas."

### October 12-13

The Association of American Law Schools Equal Justice Colloquium at the Law School and DePaul College of Law.

### October 17

Luncheon for New York City alumni at Skadden Arps featuring a presentation by Albert Alschuler, Wilson-Dickinson Professor of Law, titled "Would You Have Wanted Justice Holmes as a Friend?"

### November 9

"Policing Managed Care: The Patient's Bill of Goods," the Wilbur G. Katz lecture presented by Alan Sykes, Frank and Bernice Greenberg Professor of Law.

### November 10-11

"Frontiers of Jurisdiction," the Law School Legal Forum's 16th annual conference.

### November 15-16

"The Tax Law Stretches to Cover the New Economy," 53rd Annual Tax Conference sponsored by the Law School at the University Club of Chicago.

### November 30

"Hate Speech, the First Amendment, and International Human Rights" held in conjunction with Jewish Federation of Chicago's centennial celebration. Geoffrey Stone, Provost and Harry Kalven, Jr. Distinguished Service Professor of Law, and Jacqueline Bhabha, Lecturer in Law and Director of the University of Chicago Program on Human Rights, will be the participants.

### December 8-9

"The Regulation of Managed Care Organizations and Its Impact on the Physician-Patient Relationship," a conference sponsored by the Law School, the Division of Biological Sciences, and the MacLean Center for Clinical Medical Ethics. Richard A. Epstein, James Parker Hall Distinguished Service Professor of Law, and Mark Siegler, Lindy Bergman Distinguished Service Professor of Medicine and Director of the MacLean Center, are co-directors.

## 2001

### January 4

"Multiculturalism and Indian Women," a lecture presented at the Law School by Zoya Hasan of Jawaharlal Nehru University.

### January

Chicago Law Foundation Charity Auction.

### February

Annual Law School Musical.

### February 9

"The History of Legal Ethics," a symposium sponsored by the Law School's *Roundtable*.

### April 3

Ronald H. Coase Lecture in Law & Economics with Professor Lisa Bernstein as the speaker.

### May 4-6

#### SAVE THE DATE

The second annual Alumni, Reunion, and Family Weekend.

Reunions for the classes of 1951, 1956, 1961, 1966, 1971, 1976, 1981, 1986, 1991, and 1996.

### June 15

Emeritus Luncheon—Alumni who graduated at least 50 years ago are invited to a special luncheon.

For more information, please visit [www.law.uchicago.edu/lectureconf/](http://www.law.uchicago.edu/lectureconf/) or call Deborah Franczek, '72, at 773-834-5435.